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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-fifth session

SUMMARY RECORD OF THE 489th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 October 1994, at 10 a.m.

Temporary Chairman: Mr. BODDENS-HOSANG (Netherlands)

Chairman: Mr. KAMAL (Pakistan)

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The meeting was called to order at 10.20 a.m.

OPENING OF THE SESSION (agenda item 1)

1. The TEMPORARY CHAIRMAN declared open the forty-fifth session of the Executive Committee.

STATEMENT BY THE OUTGOING CHAIRMAN

2. The TEMPORARY CHAIRMAN, speaking as outgoing Chairman of the forty-fourth session, welcomed the participants, in particular the Executive Director of the World Food Programme, whose presence on the rostrum was an example of the interinstitutional cooperation to which the Executive Committee attached great importance, and the Spanish delegation, which was taking part for the first time as a full member of the Executive Committee.

3. He stressed in that connection that the admission of a country to membership of the Executive Committee was a lengthy process and that he was convinced that the other countries which had expressed the wish would become members in 1995. The number of members of the Executive Committee was not fixed, so that donors and recipient countries interested in the future of the Office of the United Nations High Commissioner for Refugees (UNHCR) and concerned to find solutions to refugee problems were able to play their full role in policy-making.

4. The States Members of the United Nations or its specialized agencies which were not members of the Executive Committee but were clearly concerned about refugee issues and had asked to be accorded observer status had for years been authorized to participate in all the meetings, formal or informal, of the Executive Committee and its subcommittees: in practice, the rights of members and of observers were virtually identical. Since many new members had joined the Executive Committee in recent years, the question was one which should be reexamined in due course.

5. Reviewing his year in office, he said that he had been greatly impressed by the dedication which the members of the Executive Committee had shown in their concern to preserve the humanitarian spirit of its work. Over the years the Executive Committee had established a remarkable set of internationally accepted standards and principles on the protection of refugees and other persons whose situation raised issues of a humanitarian nature. Both the current and the new members would no doubt continue that work.

6. However, he had come to question the justification of the present organization of the Committee's sessions, a topic which might be the subject of informal consultations in the future. The Committee's agenda consisted essentially of a three-day general debate during which ministers and heads of delegation were invited to state the views of their country on various aspects of the refugee problem.

7. At the end of the week of work the Executive Committee approved by consensus the decisions reached after long negotiations in the group of friends of the Rapporteur, decisions which were therefore not based on the substantive debate in the Executive Committee itself. The bulk of the preparatory work was of course done in the two subcommittees before the opening of the Executive

Committee's session, but it would soon be necessary to give further thought to the question of whether the present arrangement was the best suited to the needs and expectations both of UNHCR and of countries, or whether on the contrary it might be possible to envisage arrangements to ensure a richer dialogue in plenary meetings concerning certain specific issues which warranted greater attention.

8. The current year had been a difficult one for UNHCR, owing in particular to the developments in the situation in Rwanda which had forced the Office to make its latest retrenchments, both at headquarters and in the field. Rwanda was the latest in a very large number of other hot points requiring constant attention and action throughout the world. Only profound admiration could be felt for the High Commissioner and her colleagues, many of whom had often had to work in conditions of extreme hardship side by side with members of other bodies and the ever active NGO workers.

9. He noted that, unfortunately, the number of refugees and displaced persons requesting assistance and protection over the past year had been higher than in the previous year. UNHCR had nevertheless managed to cope with the situation and had reacted with a speed and ingenuity for which, on behalf of the Executive Committee, he wished to congratulate the High Commissioner and all her colleagues. The year spent as Chairman of the Executive Committee had enabled him to gain an increasing awareness of the dedication of the whole staff of UNHCR to the cause of refugees throughout the world.

ELECTION OF OFFICERS (agenda item 2)

10. The TEMPORARY CHAIRMAN invited the members of the Executive Committee to make nominations to the post of chairman.

11. Mr. KULLAVANIJAYA (Thailand) nominated Mr. Kamal (Pakistan).

12. Mr. LANG (Austria), Mr. SKOGMO (Norway) and Mr. JIN Yongjian (China) seconded the nomination.

13. Mr. Kamal (Pakistan) was elected Chairman by acclamation.

14. The TEMPORARY CHAIRMAN invited the members of the Committee to make nominations to the post of vice-chairman.

15. Mr. JELONEK (Germany), on behalf of the European Union, Austria, Finland, Norway and Sweden, nominated Mr. Larsen (Denmark).

16. Mrs. BAUTISTA (Philippines) and Mr. SEVILLA SIERO (Nicaragua) seconded the nomination.

17. Mr. Larsen (Denmark) was elected vice-chairman by acclamation.

18. The TEMPORARY CHAIRMAN invited the members of the Committee to make nominations to the post of rapporteur.

19. Mr. FASEHUN (Nigeria) nominated Mr. MANGACHI (United Republic of Tanzania).

20. Mr. WILLIAMS (United Kingdom) seconded the nomination.

21. Mr. Mangachi (United Republic of Tanzania) was elected Rapporteur by acclamation.

22. Mr. Kamal (Pakistan) took the Chair.

STATEMENT BY THE CHAIRMAN

23. At the invitation of the Chairman, the members of the Executive Committee observed a minute of silence in tribute to the members of UNHCR and the many other field workers who had sacrificed their lives in the performance of their duties over the past year.

24. The CHAIRMAN said that the Executive Committee was meeting at a time when the new world order was still going through its birth pangs and that the challenge facing the Committee was one of adjustment, a topic on which he wished to share some ideas. First and foremost, the need was for more effective prevention. The ending of the cold war had initiated a new phase in the history of mankind which had given birth to the hope that freedom, democracy and human rights would flourish and find universal reflection in the conduct of States. Sadly, the events of the past few years had dampened the dream of a new and more humane era. The disappearance of bipolarity had in fact unleashed repressed discord and conflict. The result of such changes on the international stage had been a dramatic increase in the number of refugees and displaced persons.

25. Three categories of person were at present sources of particular concern: the victims of internal conflicts, whether refugees or displaced persons, the only distinction between the two being that some were able to cross national borders while others could not; persons who were actual or potential victims of the situation prevailing in the newly independent States or States which had recently emerged from a long period of authoritarian rule; and persons from developing countries who, in their flight from inhuman poverty or socio-political instability, were forced to leave their homes by whatever means available. Each of those categories had its specific characteristics and called for a distinct approach. However, in all cases prevention was obviously better than cure. The enlightened self-interest of the international community lay in addressing the root causes rather than in mitigating man-made disasters only after they had struck in full force.

26. The massive tragedy of Rwanda, which took on new dimensions almost every day, was the most blatant example of failure to address root causes at the national, regional or international level. When in the early 1960s UNHCR had established in Bujumbura its first regional office in Africa, it had dealt mainly with the problem of Hutus and Tutsis. Over three decades later UNHCR and the international community were grappling with the same problem.

27. New refugee problems or the perpetuation of old ones were a clear indictment of the political inaction of the international community. A refugee was the helpless victim of the breakdown of the social contract and latent evidence of a political or diplomatic failure at the regional or international level. The inextricable links between development aid and humanitarian assistance constituted another dimension of prevention. It was axiomatic that economic difficulties led to social unrest which in turn generated political

upheavals leading to violence and the displacement of populations which further aggravated the economic problems. That vicious circle could be broken only if economic development strategies were adjusted and tuned to prevention.

28. With a view to prevention it would therefore be useful to identify points of tension or areas of potential conflict at the regional or global level. The Governments concerned, the regional mechanisms and the donor community should then work in unison to adjust their development priorities so that greater attention was paid to areas of potential social unrest. A "containment strategy" which could help to avert new flows of refugees and displaced persons could thus be sketched out and implemented in a timely manner.

29. The second idea was that of a regional approach. The Charter of the United Nations emphasized regional cooperation and recommended a regional approach to the settlement of problems. In recent years, regional organizations had tended to play an increasingly important role in some places. The situation in the former Yugoslavia was one example, though not a very encouraging one.

30. While it was true that it was not for the Office to initiate or promote political action, given the purely humanitarian and non-political character of its mandate, it was equally true that political inaction or failure to act in a timely and effective manner had direct repercussions on and implications for its work. UNHCR had a vested interest in peace and security. Increasingly often, humanitarian action was tending to precede political action. Humanitarian aid was used to buy time to seek solutions which should have been sought before the tragedy had occurred. It was difficult to accept that the world should awake to a problem only when large-scale suffering had become a reality and the media had brought that suffering into people's homes.

31. The third idea was that of the development continuum. Emergency aid now dominated humanitarian action. The High Commissioner's "special programmes" required almost twice as much financial and human resources as the "general programmes". The ever growing scale of man-made disasters was becoming an intolerable strain on the aid budgets of donors. It was time to bring some innovative thinking to what the General Assembly had called "averting new flows of refugees". But an equitable relationship must also be established between humanitarian aid and development aid. The parameters of the continuum from relief to development needed to be clearly defined.

32. It was incumbent upon the international community to provide the High Commissioner not only with the material means to take on the new challenges but also with the conceptual wherewithal to strengthen the Office. Confronted with the growing masses of refugees and displaced persons, the pragmatic responses of UNHCR should be seen not as a series of ad hoc reactions but recognized by the community of nations as part and parcel of the institutional framework and accepted as the High Commissioner's mandatory duty. That should not require sweeping changes in the relevant international legal instruments.

33. The fourth idea concerned the role of NGOs. Most of the UNHCR programmes were implemented through NGOs, whose importance could not be overemphasized. At the recent conference held in Norway to strengthen the "partnership in action", or PARinNAC, the High Commissioner had rightly pointed out in her introduction to the Oslo Plan of Action that the success of the joint efforts of UNHCR and the NGOs required that Governments, development agencies, human rights networks,

and peace-keeping and conflict resolution mechanisms should all be involved in finding innovative approaches and establishing the necessary collaboration to put an end to conflicts and their accompanying displacements.

34. The fifth idea concerned the problem of statelessness, for which the High Commissioner had been given a clear mandate in the resolution adopted by the General Assembly in implementation of the 1961 Convention on the Reduction of Statelessness. The emergence of newly independent States had in fact aggravated the persistent problems of ethnic minorities, disputed borders, and conflicts of laws, and indeed by the de facto problem of statelessness itself. Accordingly, a comprehensive study of the problem and a global plan of action would be timely and desirable. In particular, the newly independent States should be provided with assistance and technical advice to enable them to take timely action to prevent or mitigate the problem.

35. The sixth idea was the need for decentralization. The exponential increase in the tasks and responsibilities assigned to the High Commissioner had resulted in a corresponding inflation of the Office's budget. The cost of the programme submitted to the Executive Committee exceeded a billion dollars. In view of the volume of work and human resources needed to administer and manage a budget of that magnitude, the High Commissioner might perhaps have to adjust some of the Office's administrative and financial practices. Hitherto, UNHCR had worked in a highly centralized manner, with the headquarters services carrying the burden of most of the administrative and financial work. If the situation was to be improved, a degree of decentralization seemed inevitable. The High Commissioner was of course the best judge of what the scale and scope of such decentralization should be. But the Executive Committee should stand ready to provide whatever assistance or advice she might need in order to adjust UNHCR to the challenge of new situations and realities.

36. In an era of transparency, it was important for donors and the international community to have ready and easy access to all the information which they might need. For that purpose, UNHCR must make greater use of modern technology, including computer technology, and new methods of budgeting, financing and management; that would not only facilitate its work but also contribute to stronger relations between headquarters and the field.

37. Finally, the seventh idea was that in order to help the High Commissioner to strengthen further the policy formulation process, it might perhaps be useful to establish a small advisory think-tank composed of the best experts from within and outside the Office which would analyze, foresee and identify options for action. It would of course be for the High Commissioner to determine the terms of reference of such a body, which might include for example the past, present and future chairmen of the Executive Committee. To enable the Executive Committee to hold a proper debate on all those matters, consideration might be given to recommending an extension of its session, so that there would be time between the general debate and the adoption of decisions to consider a whole series of questions, as had been the case in the past. Perhaps the Executive Committee itself should set up an informal open-ended group of donor and asylum States which would meet periodically at the level of head of delegation or mission to consider the inputs of member States in advance of the meetings of the two subcommittees of the Executive Committee.

GENERAL DEBATE (agenda item 4)

38. Mrs. OGATA (United Nations High Commissioner for Refugees) welcomed all the participants, in particular the delegation of Spain, which was now a member of the Executive Committee. After having thanked the outgoing Chairman, she congratulated the newly elected Chairman and members of the Bureau, noting that the Executive Committee had made a wise choice in electing as Chairman the representative of a country which had generously provided asylum to millions of refugees.

39. The presence at the forty-fifth session of the Executive Committee of Ms. Catherine Bertini, Executive Director of the World Food Programme (WFP), was testimony of the indispensable contribution of WFP to refugee assistance and to the commitment of UNHCR to strengthen their partnership even further. The need for such partnership had rarely been greater. The progress towards peace in the Middle East and the birth of a democratic South Africa had been among the rare signs of hope in a year too often marked by genocide, ethnic conflict and resurgent violence. To provide protection and assistance to all uprooted persons, whose number was increasing throughout the world, was becoming increasingly difficult, and the solutions to their plight seemed ever more elusive. The fate of the uprooted, whether they had moved to a country of asylum or were displaced in their own land, had become tangled with geopolitical realities.

40. In the United Nations a genuine symbiosis was developing between political initiatives and development activities on the one hand and humanitarian operations on the other; that was hardly surprising since the success of one was linked to the performance of the other. Situated halfway between peace and war, between relief and development, humanitarian action must retain its integrity, neutrality and impartiality, and its objective must remain the protection and well-being of the victims of war, violence and persecution.

41. Amidst political instability and economic uncertainty, protection remained the essence of the UNHCR humanitarian challenge; she would outline the contours and emphasize the constraints of that challenge by describing the quality of the protection of refugees abroad and on their return to their country of origin, the links between protection and solutions, the prevention of refugee flows, and the need for greater commitment, cooperation and capacity.

42. With regard to the protection of refugees abroad, the crisis in Rwanda had highlighted the very serious protection problems inherent in large-scale emergencies. Some two million refugees had fled the areas ravaged by the war. Although the human toll had been too high, it would probably have been even higher without the generosity of the peoples of Zaire and the United Republic of Tanzania and the remarkable work done by NGOs, the personnel sent by the Governments of donor countries, and the United Nations humanitarian agencies. More than 220 international staff had been deployed in the UNHCR assistance operation. The situation had stabilized in Tanzania and Rwanda, and although enormous difficulties remained in Uvira and Bukavu, things were going better in Goma.

43. In that region the security problems had seriously threatened the capacity of the asylum countries to protect the refugees. In Burundi, both refugees and repatriated persons had been endangered by political and ethnic tensions. In

August just past a UNHCR field officer had been killed in northern Burundi. She hoped that the convention signed by the Burundi political parties on 10 September 1994 would soon lead to the formation of a new Government which could reduce the tensions.

44. The violence which had gripped Rwanda had spread to the refugee camps in eastern Zaire and in Tanzania. Elements of the former Rwandese army and militia were threatening refugees and humanitarian workers, disrupting the delivery of relief and essential services with the apparent aim of controlling the refugees, blocking their return to Rwanda, and building resistance against the Government in Kigali. UNHCR was very worried about the situation and had urged that all the armed elements should immediately be removed from the camps. The Special Representative of the Secretary-General had also held talks on the subject with the authorities in Zaire.

45. The problem of insecurity in refugee camps was not unique to the Rwanda crisis; it occurred, unfortunately, in many other countries. Herded together in overcrowded camps in remote areas which were outside the effective control of any Government and where weapons were freely available, the refugees, first and foremost the women and children, were exposed to great risks. UNHCR had tried to make a difference by intervening very early, relieving the congestion in the camps and locating them in safer areas, while giving greater attention to the needs of women refugees and providing training and support for government officials. But, as the Executive Committee had repeatedly affirmed, it was primarily for the country of asylum to ensure the personal security of refugees, maintain the exclusively civilian and humanitarian character of refugee camps, and prevent armed bands from coming to threaten them. While those principles were generally accepted, the political will and, more importantly, the capacity to implement them were often lacking. The international community must urgently examine how it could assist asylum countries to take the necessary action to improve security in refugee camps.

46. While in some countries it was the quality of asylum which had suffered, in others it was asylum itself which had become more difficult to obtain. She was grateful to those countries which, despite their economic difficulties, had continued generously to receive refugees; she was aware of the burden which the presence of refugees represented for such countries and had pressed for greater assistance for them. She was also concerned about the growing reluctance of many States to keep their borders open.

47. Except in Western Europe where asylum applications had steadily declined from 700,000 in 1992 to about 550,000 in 1993, the numbers of persons seeking asylum were on the rise. In the face of persecution, war and violence, the right of asylum must continue to be upheld. Asylum was not necessarily synonymous with an enduring solution. More often than not it was an interim measure which bought time for solutions. UNHCR had sought to stress the temporary nature of asylum in an effort to broaden its availability. That had been the reasoning behind the "safe haven" concept which UNHCR had urged for Haitian asylum-seekers so that they might be given temporary refuge.

48. The concept of temporary protection had also been applied to refugees from the former Yugoslavia. By providing immediate safety for victims of war and emphasizing eventual return to their country of origin, that formula addressed the needs of individuals as well as the concerns of States. With ever growing

numbers in need of international protection, the international community must study the possibility of wider and more consistent application of temporary protection. In a changing world, resettlement remained an important tool of protection. She expressed her gratitude to countries which continued to provide resettlement places for refugees. On the twenty-fifth anniversary of the adoption of the OAU Refugees Convention and on the tenth anniversary of the adoption of the Cartagena Declaration, it would be opportune to examine the lessons of the broader protection offered by those regional instruments.

49. There was an inherent link between protection and solutions. Frequently, the availability to refugees of protection abroad was affected by the possibility of solutions at home. Nor could solutions be sustained if the conflict and violence which had provoked the exodus continued and if the security of the returnees was not assured. That was why the search for solutions to refugee problems was a question which went beyond the strictly humanitarian framework and depended deeply on political initiatives. Thus, the peace process in Mozambique had encouraged more than a million refugees to return home. The positive developments in the Middle East might bring forth humanitarian solutions. If called upon, the Office would play a role, in line with its terms of reference and in cooperation with other organizations, in the action which might be taken.

50. Over 100,000 Myanmar refugees in Bangladesh had registered for repatriation, and the pace of returns had significantly accelerated. She welcomed as well the continued dialogue between the Governments of Bhutan and Nepal and she would like to initiate discussions with each of them on modalities for implementing solutions for the 80,000 persons in the camps in Nepal. In Liberia, Mali and Somalia, however, the return of violence had compromised the prospects for solutions. In Afghanistan, too, the intensified fighting in Kabul and elsewhere in the country meant that the situation of the 2.5 million returnees remained extremely precarious. The number of returnees to Afghanistan had never been lower since the operation began in 1990. There were still some 3.3 million Afghan refugees in the Islamic Republic of Iran and in Pakistan. It was also difficult to predict what would happen in the former Yugoslavia. UNHCR was watching developments closely since they, together with donor support, determined the course of its own operation. Unless the Office received the funds which it needed, it would have to cut back its activities.

51. In every repatriation operation, security and the political commitment and capacity of the country of origin to provide it were critical factors. If those who returned to their country did not feel that their life and liberty were safe, then repatriation, far from bringing about a solution, might actually precipitate another outflow. That was why UNHCR emphasized the need to create an environment of confidence and security in Rwanda and had followed a cautious policy on repatriation. As Cambodia and El Salvador had shown, a greater human rights role for the United Nations could do much to restore confidence in such situations. Urgent financial and personnel support should be given to the United Nations High Commissioner for Human Rights in his efforts to deploy human rights monitors in Rwanda. Furthermore, UNHCR stood ready to support any initiatives for the reconciliation of a society traumatised by ethnic killings on a genocidal scale.

52. She welcomed the decision by the General Assembly to send a human rights verification mission to Guatemala and wished every success to Mr. Franco,

currently the UNHCR Director of International Protection, who had been appointed by the Secretary-General to lead the mission. If yesterday's repatriation was not to become tomorrow's emergency, then the international community must show greater commitment to post-conflict rehabilitation. The fragility of Cambodia was disturbing. Another source of disappointment for UNHCR was that the international community did not seem interested in the consolidation of the Office's activities in Tajikistan. To offer sustainable solutions was one of the Office's major concerns.

53. In an effort to assist communities which received returnees UNHCR had both widened the application of its community-based micro-projects (QIPs - "quick impact projects") from Mozambique to Myanmar and had also deepened its understanding of them as a means of reintegration. But such efforts could only be meaningful if they were placed in a larger framework of national rehabilitation, economic and social development and democratization of war-torn countries such as Mozambique. To that end, UNHCR had sought to forge new alliances with development and financial institutions. Those efforts had begun to pay some dividends, with grants from the World Bank, the African Development Bank and the International Fund for Agricultural Development (IFAD). The IFAD grant would enable the Office to assist countries such as the United Republic of Tanzania to make good the environmental damage caused by the refugees in its territory.

54. A comprehensive approach must be taken to protection, solutions and prevention. Increasingly, movements of refugees were becoming part of larger and more complex movements of people, and neither the solution nor the prevention of refugee problems could be effectively promoted without addressing the plight of the internally displaced. Within the limits of its mandate and resources UNHCR therefore remained willing to assume responsibility for the internally displaced, provided that there was a close link to an existing or potential refugee problem, as in Georgia, Tajikistan and Sri Lanka. That position was in fact in line with the conclusion which the Executive Committee had adopted on the subject at its previous session, which had been endorsed by the General Assembly. In Rwanda UNHCR was assisting internally displaced persons within the framework of the United Nations emergency relief operation. Such activities were concentrated in the south-west of the country and had undoubtedly helped to prevent a further outflow.

55. UNHCR was aware of the enormous scale of the humanitarian problem in the countries of origin and supported a division of labour within a clear structure. However, in carving out responsibilities, the United Nations must remain sensitive to the fundamental protection needs of the victims and to the UNHCR protection mandate, if the goal was viable solutions.

56. Just as protection was linked to solutions, so too solutions and prevention were two sides of the same coin. They demanded a more comprehensive effort to attack the causes which forced people to flee, as had been done in the CIREFCA process in Central America which had been successfully completed in June 1994. The Comprehensive Plan of Action for Indo-Chinese Refugees had also helped to stem the flow from Viet Nam. UNHCR requested the countries of the region to make every effort to carry out the Plan by the end of 1995.

57. Where Europe was concerned, she had frequently advocated a regional and comprehensive approach. Particularly in the former Soviet Union, ethnic

tensions aggravated by political and economic restructuring were forcing people to leave. UNHCR had initially restricted itself to traditional protection activities but had now expanded the scope to emergency-management training and capacity-building in Russia and other countries, assisting refugees and displaced persons in the Caucasus, organizing the safe and voluntary return of displaced persons in Georgia, etc.

58. Piecemeal approaches were not the answer to the diversity and complexity of the challenges in that part of the world. The request of the Russian Government that UNHCR should initiate a comprehensive strategy for the region was therefore encouraging. Consultations had been undertaken with the Governments of the countries concerned and the competent organizations on preparations for an international meeting in 1995. But it must be clearly borne in mind that a regional strategy, whether in that part of the world or elsewhere, could succeed only if the Governments of the region gave their unequivocal support, for that was a sine qua non of a contribution by the international community.

59. UNHCR could not act in isolation in the protection of refugees and resolution of their problems. Its action must be part of a global strategy for international peace and security, human rights and economic and social development throughout the world. But that imposed new pressures and constraints on the Office which reduced its humanitarian space. How was it to defend the rights of the victims? It was not only human lives which were at stake. Peace and progress were also the victims of humanitarian disasters. If the humanitarian mandate of UNHCR was to be safeguarded, several conditions must be met: increased commitment by the international community, intensified cooperation, greater transparency, and strengthening of capacity.

60. Firstly, Governments must commit themselves to the basic humanitarian principles of impartiality and neutrality. Respect for those principles was essential to the credibility of humanitarian action and thus to the Office's ability to protect people and find solutions to their plight. By building trust among the victims UNHCR could go where peace-keeping forces could not; it could buy time for political action and contribute to reconciliation. The political and moral support of the members of the Executive Committee were essential to the discharge of the Office's distinct humanitarian mandate.

61. UNHCR also needed the financial support of the Executive Committee. Funding had certainly become more regular. The growing and significant support of the European Community's Humanitarian Office was particularly welcome. However, UNHCR still needed at least $US 325 million in net contributions in order to reach its budgetary target of $US 1.3 billion for 1994. It hoped that the attention which donors were giving to the Rwanda/Burundi crisis would be sustained because funds would still be needed for some time in order to cope with the refugee problem in that region. But the needs elsewhere must not be overlooked. Additional resources were required to complete the operation in Mozambique. For Guatemala, Georgia, Azerbaijan and Tajikistan, UNHCR had received only half of the necessary funds.

62. The Office must also intensify its cooperation with international and non-governmental organizations. The presence at the meeting of Ms. Bertini, Executive Director of WFP, indicated the Office's deepening collaboration with that agency. It was also expanding its cooperation with the International

Committee of the Red Cross (ICRC) in conflict situations and it was working with the United Nations Development Programme (UNDP) and the International Organization for Migration (IOM) to give concrete form to their partnership in the field. It was also collaborating with the United Nations Children's Fund (UNICEF) to help refugee children. Aware that cooperation was not a luxury but a necessity, UNHCR had launched in 1993 the "partnership in action" (PARinAC) process. Everyone must now work to implement the recommendations adopted at the Oslo Conference, particularly in the area of capacity-building and training of local NGOs.

63. Partnerships were most successful when built on complementarity of mandates and expertise. It was therefore essential for everybody's role and responsibilities to be clearly defined. Given the interactions between the political, military and humanitarian mandates established with the framework of the multifaceted operations of the United Nations, it was essential for all the actors to understand and respect each other's mandate, role and responsibilities. The structures must be established early. Relief must be coordinated, but the Office's protection mandate should be respected. It was correct in complex emergencies for the Emergency Relief Coordinator and the Department of Humanitarian Affairs to allocate the responsibilities in consultation with the Inter-Agency Standing Committee.

64. Furthermore, capacity-building and management needed innovative approaches. For example, the influx of refugees into Goma had been so great that UNHCR had had to search for innovative means of building capacity. That had given birth to the idea of "service packages", under which donor Governments had provided funds, facilities and services in sectors where the capacity of UNHCR and its partners had been overwhelmed. UNHCR was also actively examining the different ways of using military support in a civilian-controlled multilateral humanitarian operation. Military forces could for example intervene on an ad hoc basis but decisively in strengthening the Office's response capacity.

65. She wished to pay a special tribute to the staff of UNHCR and its partners who had risked and sometimes lost their lives in situations of conflict in the past year. In that connection and in accordance with the undertaking which it had given, UNHCR had introduced a career management system which, together with other reforms, should equip it with the human resources management system which it needed and the staff deserved. It was to be hoped that the humanitarian personnel of the United Nations and of its NGO partners would be included within the scope of the draft convention on the safety of United Nations staff and related personnel which was being discussed at Headquarters in New York.

66. Management was also about new ideas and methods. Accordingly, UNHCR must access the wide range of thinking in academic and policy-research circles. It had taken an active part in the International Conference on Population and Development and would have much to say at the international conferences on social development in Copenhagen and on women in Beijing, the themes of which were closely linked to the dynamics of displacement. In order to strengthen the Office's capacity for strategic thinking and planning, she intended to create a policy-planning function in UNHCR at a senior management level and link it with the operational sectors. It would be necessary at the same time to enhance the Office's ability to monitor the quality of its management, and she had proposed the creation of an inspection and evaluation service which would report directly

to her. Lastly, in order to broaden the Office's external perspectives, she had extended a personal invitation to a small group of eminent non-governmental personalities representing a broad spectrum of contemporary society to meet with her informally twice a year during her term of office. The purpose of such an exchange of ideas was to gain a better understanding of the global context in which humanitarian crises emerged and must be resolved.

67. In response to the diversity and increasing number of humanitarian crises, the budget and staff of UNHCR had doubled in four years and it had offices in 250 locations. In order to avoid the risk of excessive prolongation of humanitarian operations as ethnic conflicts spread and political solutions became more elusive, there was a need to devise a plan of action and complement the agendas for peace and for development with an agenda for humanitarian action. She knew that she could count on the support of the States members of the Executive Committee in carrying out the UNHCR mission.

68. Ms. BERTINI (Executive Director of the World Food Programme) said that 20 million people were today being supported by the combined efforts of UNHCR and WFP. WFP had diversified dramatically since its founding in 1963. During its first 10 years it had handled almost exclusively development projects, but now its refugee and emergency work accounted for almost 70% of expenditure. As a result of the joint intervention of UNHCR and WFP, millions of people had been repatriated in Cambodia, Afghanistan, Iran, Somalia, Ethiopia, Eritrea, Burundi, Rwanda, Mozambique and elsewhere; in the former Yugoslavia more than four million refugees and displaced persons were being assisted in the conflict areas; important rehabilitation programmes were being operated in many countries, including Mozambique, Somalia and even Rwanda; and emergency action had fed hundreds of thousands of Rwandese in the United Republic of Tanzania and Zaire.

69. Explaining the modalities of the partnership between UNHCR and WFP and the common challenges which they faced, she said that under their first Memorandum of Understanding, signed in 1985, they had collaborated closely in all phases of refugee feeding operations and that, over the years, WFP had become the principal coordinator and supplier of basic food commodities for refugees. With the sharp increase in refugee food aid and the growing logistical complexity of the activities, it had been necessary to change the modalities of operation: hence the signature in 1991 of a new Memorandum. As a result, since 1 January 1992 WFP had been responsible for the mobilization of all basic food commodities and for the funding of external transport and inland deliveries in virtually all UNHCR relief operations. Following the revision of the Memorandum in 1994, the management of food storage centres was now a WFP responsibility.

70. Recent experience with malnutrition among refugees had prompted UNHCR and WFP to decide that blended foods and sugar would now be categorized as basic commodities. In addition, groups of refugees numbering under 5,000 would be taken in hand by UNHCR, which would also attend to their feeding. The establishment of food aid availability status reports had now become a standard practice between the two organizations. They had also agreed to collaborate closely in the elaboration of census and registration procedures, in the formulation of more specific requests to donors with regard to food needs and the funds to support those needs, in accounting to each other for the food and cash collected for each purpose, in the improvement of the development

programmes for long-term refugees, and in emphasizing the important role and serious problems of women refugees.

71. The two agencies had also decided to improve food distribution, to carry out census and registration procedures with greater accuracy and timeliness, always to clarify responsibilities in the implementation of each programme, to collaborate from the very beginning of each crisis, to cooperate with other bodies, including the Department of Humanitarian Affairs and all the NGOs working in emergency situations, to extend their joint efforts for staff training, and to expand the implementation of development and rehabilitation programmes. Finally, UNHCR had been kind enough to support the requests addressed by WFP to the donors for more funds for food purchases and logistics. With regard to the role of the governing bodies of UNHCR and WFP in improving their collaboration, she commended the Governments whose representatives understood how the two organizations worked.

72. Where policy was concerned, UNHCR and WFP must solve the problem of the issue of food to military personnel, ensure the protection of refugees against forced repatriation and against any military or other kind of action designed to prevent their voluntary repatriation, promote long-term development strategies, including schools for children, and constantly emphasize the unique role and problems of women refugees.

73. Mr. JELONEK (Germany), speaking on behalf of the European Union and Austria, Finland, Norway and Sweden, said that during the past year UNHCR had once again been confronted with unprecedented problems connected not only with the sheer numbers of refugees and displaced persons in the world but also with the increasingly complex nature of refugee situations and the resulting difficult working conditions of the Office and its staff. It was therefore all the more necessary for the Executive Committee to reaffirm the paramount importance of international protection.

74. The assistance and protection activities for refugees were being carried out by UNHCR in a world in transition, prey to an alarming proliferation of ethnic and sectarian conflicts. The European Union once again called on all Governments which had not yet done so, in particular members of the Executive Committee, to ratify or adhere to the 1951 Convention and the 1967 Additional Protocol relating to the Status of Refugees, and the Union encouraged UNHCR to disseminate the principles of those instruments.

75. Violations of international humanitarian law and human rights, denial of access to people in need of protection and assistance, manipulation of humanitarian action by the parties to conflicts, and taking of UNHCR staff and other humanitarian workers as hostages continued to impede the organization's work. The European Union called on all parties to enable UNHCR to carry out its mandate and to facilitate its work. Since the outbreak of the Rwanda crisis UNHCR had been confronted with one of the most serious emergency situations in its history. The European Union expressed its appreciation of the rapidity with which UNHCR had responded to that human tragedy. The timely personal appeal of the High Commissioner had mobilized speedy and significant donor reaction. The European Union, through the European Commission and its member States, and the acceding countries had provided substantive and immediate responses through contributions in cash and in kind.

76. Since the beginning of 1994 the contribution of the States members of the European Union and European Commission and of the acceding States had represented about 45% of the UNHCR budget of $US 258 million for the Rwanda/Burundi crisis. The European Commission alone had made a first instalment of $US 100 million available. The Governments and NGOs of the countries members of the European Union and the acceding States had made a substantial contribution to the programmes in the areas of logistics, water supply, medical care, emergency relief, and site and camp management.

77. Of course, the presence of several million refugees represented a very heavy burden for neighbouring countries, but the European Union urged the Governments concerned to continue to provide protection and security for the refugees. Moreover, as the European troika which had visited Rwanda and the neighbouring countries from 28 August to 3 September 1994 had concluded, conditions must be established for the return of the refugees and other displaced persons in safety and dignity.

78. The human tragedy in the former Yugoslavia, at the doorstep of the European Union, was yet another example of the violation of human rights and humanitarian law. Despite some positive developments, the continuation of hostilities and ethnic cleansing and the rejection of the peace plan drawn up by the international contact group had dashed all hope. An effort to promote reconciliation was being made in the town of Mostar, which had been placed under European administration in 1994, but the recent attack on the European Union administrator in Mostar demonstrated how fragile the situation was. In the absence of a peace settlement, the need for large-scale humanitarian aid was obvious. In the past year, in addition to the sizeable contribution which the European Union had continued to make to the humanitarian programme in the former Yugoslavia, many member States and acceding States had provided refuge and protection for a considerable number of victims. The European Union remained committed to supporting UNHCR in that task. It also remained deeply concerned about other crises which were overshadowed by the events in the former Yugoslavia and in Rwanda, and it therefore thought that UNHCR should continue its programmes in all the regions concerned.

79. In complex emergency situations the protection of refugees called more than ever before for comprehensive and concerted approaches by the United Nations system and the international community in general, especially since such situations were marked by ethnic conflicts which often extended beyond frontiers, by mass displacements of unprecedented speed, by intertwined internal displacement and refugee flows, by breakdown and paralysis of the public authorities, by the need for protection and assistance in the midst of armed conflict, by attempts to manipulate protection and assistance for political objectives, and by the participation of United Nations peace-keeping operations in humanitarian programmes.

80. Firstly, it was time to look into the gaps and imbalances in the overall response capacity of the whole of the United Nations. The European Union recommended that discussion of a concerted strategy for improvement of emergency management should take place in a broader framework. The improvement of the UNHCR emergency response capacity required parallel improvements in other organizations. The Union therefore encouraged UNHCR to strengthen its cooperation links with other United nations bodies within the Inter-Agency

Standing Committee. In that connection UNHCR and the NGO community were to be commended on the achievements of the PARinAC initiative.

81. Secondly, it was imperative for voluntary repatriation of refugees to be organized in a comprehensive framework and, indeed, in an environment of reconciliation and genuine commitment to peace in the country of origin. In that regard it was the responsibility of States to enable their citizens to return home in safety and dignity.

82. UNHCR deserved commendation for its efforts to promote repatriation even in difficult circumstances and for the results obtained in Mozambique and Central America. It was to be hoped that the repatriation programme started in Myanmar would be successful. In the case of the former Yugoslavia, the Working Group on Humanitarian Issues of the International Conference on the Former Yugoslavia would help to determine a concerted approach.

83. Thirdly, the overall issue of prevention and early warning must be addressed comprehensively and as a priority by the United Nations system. As the crises in Rwanda and Burundi with their massive waves of displacement had shown, the traditional instruments of humanitarian assistance must be complemented by regional mechanisms to prevent further outbreaks of violence and allow the international community to establish timely contingency plans. A concerted strategy of prevention must encompass elements of humanitarian diplomacy, human rights, democracy building, social and economic development, and disaster reduction, to name but a few. Intervention by a single United Nations body was therefore not enough. It appeared imperative that agencies such as UNHCR should continue to integrate their mandated intervention and early warning activities into "comprehensive approaches". If an emergency occurred in spite of preventive efforts, measures of mitigation and containment of further escalation must be built into the immediate humanitarian response. Where the complexity of a crisis required monitoring and peace-keeping activities, they must be effectively coordinated with the humanitarian action, but without compromising its neutrality and impartiality.

84. Fourthly, the number of internally displaced persons now exceeded the number of refugees. The European Union remained concerned about the protection of that group and wished to appeal to all parties to conflicts to adhere to the principles of human rights and international humanitarian law. Of course in many situations it was virtually impossible to disassociate the protection and assistance needs of internally displaced persons from those of refugees. UNHCR was therefore to be commended for its activities on behalf of internally displaced persons and for its contribution to the discussion on ways of improving the system of protection and assistance. The "conclusions" submitted to the Executive Committee provided a sound basis for UNHCR intervention in that field. The European Union, Austria, Finland, Norway and Sweden encouraged the Office to continue its cooperation with the Special Representative of the Secretary-General on Internally Displaced Persons, with the Inter-Agency Standing Committee and with ICRC. They recognized the most valuable role which UNHCR was continuing to play for many internally displaced persons, but were firmly convinced that a comprehensive and concerted approach by the various agencies and organizations concerned should be established.

85. Finally, the physical protection of refugees, the provision of material assistance to ensure their survival, and the preparations for their voluntary

repatriation seemed increasingly interwoven with the political intervention of the international community. In the cases of the former Yugoslavia and Rwanda, the peace-keeping mandate had been extended to the armed protection of humanitarian action. However necessary such protection measures might be, the neutrality and impartiality of protection and assistance for the victims must be maintained. The international community should not allow the humanitarian response in situations of armed conflict to become a substitute for political solutions, and peace-keeping operations must complement but not replace non-political humanitarian activities.

86. The primary victims in large-scale population displacements remained the women and children. The European Union commended UNHCR for its efforts to strengthen its capacity to respond better to their needs. It welcomed the report of the Working Group on Refugee Women and Children, which contained many pertinent recommendations.

87. Turning to requests for asylum in Europe, he said that the countries members of the European Union and Austria, Finland, Norway and Sweden were playing host to hundreds of thousands of refugees in accordance with the 1951 Convention and the 1967 Additional Protocol relating to the Status of Refugees and that the number of requests remained very high. They had taken several initiatives to prevent false applications. The aim of the European Union was to harmonize asylum policies and legislations. In a number of member States the reforms of asylum legislation introduced after dialogue with UNHCR had made it possible to distinguish more easily between the applications of refugees and those of economic migrants.

88. The Dublin Convention, which would come into force after ratification by all the States members of the European Union, contained rules on determination of the State responsible for examination of asylum applications and guaranteed that all applications would be considered. In addition to their obligations under international instruments, the States members of the European Union and the acceding States had provided protection, under their national legislation, to a sizeable number of victims of armed conflicts, mainly from the former Yugoslavia. Pending a peaceful settlement, they would continue that policy, on an ad hoc basis, in the spirit of the Geneva Convention and in close collaboration with UNHCR.

89. The Subcommittees on International Protection and on Administrative and Financial Matters had, as in the past, addressed a number of important issues and had provided a valuable intercessional forum for dialogue, information and guidance. UNHCR had provided excellent information for their deliberations.

90. The annual budget for the general and special programmes submitted to the Executive Committee showed that UNHCR had to respond to the needs of an ever increasing number of refugees. The proposed expenditure for 1995 currently stood at $US 1.13 billion. Through its member States and the European Commission, the European Union was the biggest donor to the UNHCR programmes; its total financial contribution, including those of Austria, Finland, Norway and Sweden, amounted to about $US 440 million. The European Union called upon all Governments to contribute generously to the proposed budget. As in previous years, it wished to stress the importance of broadening the donor base and sharing out the financial burden more equitably - an objective which had unfortunately not yet been attained.

91. The European Union wished to reiterate its grave concern about the increasing number of emergencies of ever growing complexity which required UNHCR intervention. The size of the Office's overall budget reflected those developments and provided a warning that humanitarian resources were not unlimited and that continued improvements in programme implementation were therefore indispensable.

92. Mrs. OAKLEY (United States of America) said that her country remained committed to cooperating with the High Commissioner and welcomed Spain as a new member of the Executive Committee. The state of the world's refugees had unfortunately worsened in each of the past four years. The number of refugees was increasing, while respect for humanitarian standards of behaviour and institutions continued to decline. As President Clinton had said in his speech to the General Assembly, the situation in Bosnia was yet another reminder of the ironies of the 20th century. A century so full of hope and opportunity and achievement had also been an age of deep destruction and despair.

93. Without a combination of political, peace-keeping, humanitarian and human rights efforts, none of the complex problems confronting UNHCR and other United Nations agencies could be solved. The lessons learned from crises must continue to be applied so that action could be taken, if possible, in time to prevent ethnic cleansing and refugee flows and the necessity for massive relief efforts. The endeavour continued to find specific measures to prevent emergency situations, reverse circumstances which seemed inevitably headed towards crisis from becoming catastrophes and swiftly to implement durable solutions.

94. One measure which all nations should support was the reduction of the number and availability of landmines. President Clinton had urged all States to conclude an agreement to rid the world of those often hidden weapons. Experience taught that refugees were among the persons most vulnerable to injury by landmines and that their repatriation was facilitated when landmine problems were addressed.

95. Furthermore, as a participant in a recent symposium organized by UNHCR and OAU had said, the need was not only to deal with the problem of refugees from tyranny but also with the problem of refugees from anarchy. Neither the Executive Committee nor the High Commissioner could alone solve all the problems. The Executive Committee must clearly define what it wanted UNHCR and the other agencies to do and must indicate how it conceived the coordination of their work.

96. The United States delegation wished to take the opportunity to announce additional contributions of $US 18.3 million to the UNHCR programme for refugees in Rwanda and Burundi and of $US 20.5 million in response to the UNHCR appeal for the former Yugoslavia. She had been able to see for herself in the field the magnificent role played by UNHCR in Rwanda and the dedication of its staff. United States NGOs had expressed their admiration for the way in which the camps were managed in the United Republic of Tanzania. The United States Under-Secretary of State, on his return from Rwanda and Zaire, had been full of praise for the international effort.

97. UNHCR had provided a pragmatic response in Goma with its innovative concept of service packages. The United States was proud to have been able to respond quickly and effectively to the High Commissioner's request. It had been

able to do so because of its military capabilities and will to use them. Although the United States had been a major participant in the UNHCR Sarajevo airlift, not since the operation in northern Iraq had its military worked with UNHCR to provide services directly to refugees. In contrast to northern Iraq, the operation in Zaire had been from the beginning a UNHCR operation, but rather than turning everything over to UNHCR, the providers of services in kind to refugees had worked in support of the UNHCR programme. All the participating Governments and UNHCR must try to refine the service package concept. The definition of the scope of the work should be expanded, the tasks subdivided to enable more Governments to accept responsibility for package elements, and more effective means of communication established among field offices, UNHCR headquarters, and the capitals of States. The new concept must be transformed into a meaningful mechanism for providing in-kind services in refugee emergencies.

98. The United States supported the Office's efforts to draw the attention of the international community to the needs of women refugees. With an eye to the World Conference on Women in Beijing in 1995, it was necessary to ensure that appropriate attention was paid to the particular circumstances of refugee women. It was true that it was difficult to protect women refugees, in particular against sexual violence, in places where they were deprived of the guarantees normally offered by social structures. The approach taken by UNHCR in the case of Somali women in Kenya should, with improvements, be the automatic response whenever women were victims of violence. In addition, an effort should be made to ensure that in every emergency situation food distribution was in the hands of women, in order to prevent the food being cornered by the strongest men. Where reproductive health was concerned, most women refugees would be satisfied with the services which had been available to them before they had been displaced. Another source of concern was family integrity, which was threatened by displacement; too many people, particularly children, were separated from their families.

99. The High Commissioner's programme should be designed to respond more effectively to all those concerns. The United States had provided the Office with $US 300,000 to support innovative programmes intended to address the challenges faced by refugee women. Rather than having only a handful of such programmes to support, they United States would prefer UNHCR to give an assurance that all its programmes would reflect the guidelines and the principles of people-oriented planning. The United States had also contributed $US 200,000 to the new UNHCR regional support unit for refugee children which was to be established in Central Africa. The unit would seek to implement the newly issued guidelines on refugee children. The United States hoped that other donors would also give the unit their financial support. It was also prepared to work with NGOs willing to implement the guidelines in their own programmes and which, in the spirit of PARinAC, could monitor the implementation of the guidelines.

100. With regard to management issues, the United States supported the High Commissioner's initiative of creating an inspection and evaluation service and a policy planning unit. UNHCR staff showed great dedication and for years many staff members had been doing much more than would normally be expected of them. The human resources of UNHCR must be managed in a way which enabled individuals to demonstrate outstanding performance and encouraged continuing dedication. The question of human resources management had been debated for several years,

and the United States was pleased to see that the Office intended to introduce a comprehensive career management system. Various kinds of measure had been identified: evaluation, promotion based on merit, training before assignment to the field, clarity in the delegation of responsibilities to field offices, etc. The system must be introduced incrementally and rapidly.

101. The United States placed a high premium on cooperation with other United Nations agencies and international or non-governmental organizations. UNHCR must not only perfect its own performance but also establish solid cooperative working relations with other agencies, including the Department of Humanitarian Affairs. The United States noted with satisfaction that discussions were under way with UNICEF and UNDP with an eye to producing Memorandums of Understanding of the kind which the Office had already concluded with WFP. A particular effort should be made to enable the people working in an organization to familiarize themselves with the practices of other organizations by means of joint training, secondments and periodic meetings.

102. The High Commissioner's notes on international protection had focused in the past three years on the changing circumstances of persons in need of international protection. The United States endorsed the statement in the note produced for the current session (A/AC.96/830) that it was essential to adopt new approaches and strategies and to adapt the tools of the past to the needs of the present. The High Commissioner recommended in her note that consideration should be given to guiding principles for the provision of international protection to those in need and not simply to those found to be refugees within the meaning of the 1951 Convention. Such principles could in particular address persons fleeing armed conflicts or other serious disturbances who were not already protected by the provisions of international humanitarian or refugee law. An outline of the elements of temporary protection might be envisaged in the principles and then used as a guide by States for the adoption of legislative and other measures.

103. The United States encouraged UNHCR to consult further with Governments in order to clarify the concept of temporary protection. However, any declaration resulting from such an exercise should not be viewed as a replacement for existing mechanisms for granting permanent refugee status to persons covered by the Convention; it could only be a supplementary measure.

104. It was essential to protect refugees against armed elements in the camps. It was the responsibility of the authorities of the asylum country to disarm refugees and separate armed elements from civilians. UNHCR should devise a forward-looking approach designed to protect not only the unarmed refugees but also the integrity of its assistance programme and the humanitarian workers in the field. Various regional measures had been introduced to protect those in need. The OAU Refugees Convention, which had now been in force for 20 years, had helped UNHCR in its work. The Cartagena Declaration, together with the CIREFCA process had guided the Central American States in the settlement of refugee problems in almost every country of the region.

105. Under the Comprehensive Plan of Action for Indo-Chinese Refugees, progress had been made towards solution of the remaining caseload of asylum seekers in South-East Asia and Hong Kong. That remarkable humanitarian programme, in which NGOs had been a respected partner of Governments, was approaching its end. The United States wished to underline the importance of continuing to work closely

with NGOs in order to promote the peaceful return home of the people concerned. It was clear that when nations could identify common interests and share problems, it was easier to devise mechanisms for providing international protection for persons in need.

106. Despite the difficult challenges facing UNHCR, the United States delegation remained very optimistic that the High Commissioner and her dedicated staff would be able to continue to meet the challenges of providing protection and assistance.

107. Mr. VALENZUELA MARZO (Spain) congratulated the Chairman, Vice-Chairman and Rapporteur on their election and assured the High Commissioner of Spain's support and collaboration. He also thanked all those who had welcomed Spain as a new member of the Executive Committee.

108. Spain endorsed without reservation the statement made earlier by the German delegation on behalf of the European Union. Over the past 10 years it had demonstrated that it was constantly trying harder to discharge its responsibilities within the international community. It would continue in that endeavour both at the national level and within the European Union and would seek to share its experience when it could be most useful, as it had done in the CIREFCA process, the former Yugoslavia and Rwanda. It had worked together with UNHCR to adapt Spanish legislation on the right of asylum to the new needs of refugee protection. That would not be the end of such collaboration, since the new legislation accorded the UNHCR office in Madrid an important role in the procedure for granting of asylum. Spain had also responded to the Office's appeal in connection with temporary protection and would continue to demonstrate a responsible attitude of support and collaboration.

109. Action by Spain was not limited to governmental action. Spanish society and NGOs were also carrying out many support activities and making public opinion more aware of the world's humanitarian problems.

110. Spain was convinced that it would be able to continue its fruitful relations with the units which managed the UNHCR programme and, in the Executive Committee and other forums, help to find answers to the challenge, both to the United Nations system and to the whole international community, of improving as much as possible the capacity to intervene in cases of humanitarian crisis.

The meeting rose at 1.05 p.m.

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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-fifth session

SUMMARY RECORD OF THE 490th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 October 1994, at 3 p.m.

Chairman: Mr. KAMAL (Pakistan)

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General debate (continued)

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GE.94-03976 (E)

The meeting was called to order at 3.25 p.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. GLEN (Canada) said that the past year had been exceptionally difficult for refugees, humanitarian agencies and the international community. The Rwanda crisis was only the most recent of a series of major refugee situations, not the least of which was former Yugoslavia. Given the difficulties of the Rwanda operation, Canada asked UNHCR to undertake forthwith an exercise to investigate the lessons learned with regard to its own response both at headquarters and in the field. The review, which should involve United Nations agencies, Governments and implementing agencies under the leadership of UNHCR, ought to provide answers to questions which needed to be dealt with at the systemic level, such as crisis prevention, security of relief workers and the problem of demining.

2. At previous sessions of the Executive Committee, his delegation had emphasized that accountability, strategic planning and performance assessment were the key principles of sound management. There was a need for changes in all those areas. One of the primary roles of UNHCR headquarters was to service field operations and every member of the staff was accountable for implementing key UNHCR policies intended to have blanket application, such as those on refugee women and children and on the environment. In that context, Canada welcomed the recent increase in delegation of authority to the field. That, however, was only a beginning. More such delegation was needed, as well as major streamlining of the reports required from field offices. It would appear that some field staff considered the implementation of the key policies he had just mentioned to be optional or were not even aware of their existence. That was not acceptable. Staff and implementing partners had to be assessed on the basis of their capacity and willingness to carry out policy directions issued by UNHCR. A proper accountability framework had to be put in place to that end.

3. The relationship between UNHCR and its implementing partners was also of critical importance. In place of ad hoc practices, clear and transparent procedures had to be established indicating how the selection process was to be conducted and what criteria were to be used. Better and more equitable contracting procedures had to be used and more systematic monitoring of the performance of implementing agencies had to become standard UNHCR practice.

4. With regard to the role of non-governmental organizations and their relationship with UNHCR, Canada was pleased to have been able to make an early contribution to the PARinAC process and hoped that PARinAC would add to effective cooperation between those organizations and UNHCR.

5. It was the Executive Committee's duty to help UNHCR in its continuous effort to find new and better ways of meeting the challenges it faced. In that connection, it might be appropriate to consider the practice of the governing bodies of UNDP and UNFPA, which has reduced their documentation by almost 75 per cent and at whose meetings delegations did not make long general statements, but referred to specific topics of direct relevance to the respective agencies' policies and operations. He invited UNHCR to look at those examples and come forward with proposals that would make it possible for

the Executive Committee to be of greater use to UNHCR. His delegation had for some time been uncomfortable with the fact that the Executive Committee's role had been limited to approving the general programmes portion of the UNHCR budget when by far the greatest part of the budget was devoted to special programmes. Crises between sessions of the Executive Committee were today the rule rather than the exception. His delegation had raised the matter with the UNHCR management in the past and awaited suggestions to ensure that, in future, the Executive Committee played its proper role. It had been apparent in the Sub-Committee on Administrative and Financial Matters that other donors shared Canada's concerns in that area.

6. Turning to the overall strategy of "prevention, protection, solutions" put forward by the High Commissioner, he said that the first element, prevention, was clearly fundamental, but was also the most difficult. What happened when prevention failed was only too evident in Rwanda, but, where prevention failed, it was necessary to protect and, in that area at least, there had been some solid achievements. Serious problems persisted among the displaced and refugee populations of Rwanda, but great progress had also been made. In former Yugoslavia, UNHCR and the United Nations system had successfully protected hundreds of thousands of people within the territory of the former Yugoslav Republics and temporary protection schemes in Europe and elsewhere had protected thousands more, while yet others had been granted refugee status.

7. The Note on International Protection (A/AC.96/830) presented an exhaustive analysis of the daunting problems facing the international community. While recognizing the limitations of existing instruments, as well as the fact that their effectiveness ultimately depended on their signatories' political will to put them into effect, Canada believed that the 1951 Convention still remained the best tool for the protection of the most vulnerable and most threatened. That did not mean that it was not concerned about the plight of persons displaced en masse within their own country as a result of war or some other catastrophe. It continued to believe, however, that UNHCR involvement in such situations should be on a case-by-case basis under the authority of the Secretary-General.

8. Referring specifically to the Note's suggestion for an international declaration of guiding principles of international protection, including temporary protection (A/AC.96/830, para. 54), he said that Canada welcomed the analysis of the problems facing the international community, appreciated the contribution made by States which offered temporary protection and looked forward to further discussion of solutions of that type at the international level. It noted, however, that temporary protection was particularly appropriate where refugees or asylum-seekers had travelled only a relatively short distance - perhaps only into a neighbouring State - and where there was hope that they could soon return home.

9. For its part, Canada had traditionally been a country of permanent resettlement for refugees without other options, including women at risk and other especially vulnerable persons, whether selected abroad under Canada's annual refugee plan or granted refugee status in Canada by the Immigration and Refugee Board. In the current year, his country expected to receive more than 7,300 Government-sponsored refugees from abroad. As a country of

resettlement, Canada was pleased to collaborate with UNHCR in a review of the role of third-country resettlement begun during the past summer and hoped that the review would lead to improved procedures on the part of both UNHCR and receiving States to facilitate more accurate selection of the most vulnerable individuals, as well as more rapid responses.

10. Canada was currently conducting a review of its own resettlement programmes in the framework of national consultations on the Canadian immigration programme. His delegation would be happy to discuss the resettlement issue with other major countries of asylum.

11. His country had consistently called for improved recognition of the special dangers refugee women faced in their countries of origin, on the move and in refugee camps or elsewhere in countries of asylum. The Executive Committee should be pivotal in ensuring that refugee women received the full attention they deserved. It should also play a key role in promoting the development of national, international and UNHCR standards for explicit recognition of the fact that refugee women were often exposed to other forms of "persecution" than men. Canada intended to promote that issue during the coming year.

12. Mr. ENDO (Japan), expressing his Government's gratitude and appreciation for the tremendous efforts made by the High Commissioner and her staff in Rwanda and the neighbouring countries, said that, in response to a request from UNHCR, Japan had decided not only to make contributions in cash and in kind, but also, for the first time, to dispatch troops from the Self-Defence Forces to the field to participate in humanitarian operations. His delegation welcomed UNHCR's efforts to improve its emergency response capacity and hoped that the capacities of other humanitarian agencies would likewise be upgraded. Japan would be willing to take part in an exhaustive study of the lessons learned from the Rwandese operations.

13. Large-scale voluntary repatriation in safety and dignity was the most desirable solution to refugee problems. The Mozambican refugee repatriation programme presented some of the most complex problems in terms of the number of refugees and countries involved and his delegation greatly appreciated UNHCR's efforts in that connection. It also welcomed the repatriation programmes now well under way in Myanmar and hoped for the continuing full cooperation of the Government of Myanmar in those programmes. In other areas, such as Rwanda, it was to be hoped the conditions for voluntary repatriation would be realized as soon as possible. The Comprehensive Plan of Action for Indo-Chinese Refugees (CPA) provided an example of a durable solution and his Government was glad to see that a problem of almost 20 years' standing was due to disappear very shortly.

14. Noting that UNHCR was becoming increasingly involved in preventive activities in countries of origin, he said that, in his delegation's view, the role of UNHCR should be that of a catalyst among organizations with specific mandates and responsibilities in that sphere.

15. In connection with internally displaced persons, Japan supported the existing criteria and guidelines for UNHCR involvement, emphasizing, however, that assistance for and protection of internally displaced persons should be

secured through the cooperation of the relevant humanitarian agencies. A United Nations system-wide solution should be sought from the outset or at an early stage in each particular case. As the High Commissioner had often pointed out, humanitarian assistance could not be a substitute for a political solution as far as assistance for and the protection of populations affected by armed conflict were concerned.

16. As to the question of partnership with other institutions, he said that his delegation welcomed the increase in operations since January 1992 resulting from the revised working arrangements between UNHCR and WFP and hoped that similar arrangements would be developed with other agencies. Japan, as the largest donor of official development assistance, was also interested in seeing the gap between relief and development bridged in some way; it appreciated UNHCR's contacts with the Bretton Woods institutions and other potential donors, as well as its regular contacts with UNDP, and hoped that some mechanism would be worked out as a result of those contacts. His delegation welcomed the Oslo Declaration and Plan of Action adopted in June 1994 and would give every support to non-governmental organizations in Japan and other countries so as to enable them to work with their European and American counterparts.

17. The fact that the UNHCR budget had exceeded US$ 1 billion for three consecutive years reflected the extent of the international community's support for UNHCR activities, as well as the level of its expectations. The donors, constrained as they all were by financial difficulties, were nevertheless keeping a watchful eye on the UNHCR budget. His delegation attached great importance to the efficiency, transparency and accountability of UNHCR and therefore supported the High Commissioner's proposal for the establishment of an inspection and evaluation service on the understanding that the Inspector would work as a complement to the Board of Auditors, the Management Control Division and the newly established Office of Internal Oversight Services in New York.

18. Endorsing the High Commissioner's view that in performing its functions, UNHCR should also take account of the aspect of environmental preservation, his Government had seconded an environmental coordinator to UNHCR early in 1993. His delegation welcomed the development of "interim guidelines for environment-sensitive management of refugee programmes" and hoped that those guidelines would be reflected in actual operations.

19. In conclusion, after expressing the hope that the new UNHCR building would provide an efficient and comfortable workplace for all the staff, he announced his Government's pledge of approximately US$ 62 million, including $20 million for CPA, $20 million for the former Yugoslavia and the remainder for Mozambique, the Horn of Africa, Sri Lanka and other areas.

20. Mr. KULLAVANIJAYA (Thailand) said that, in a spirit of sympathy with the suffering of the affected population of Rwanda and solidarity with the humanitarian agencies, especially UNHCR, his Government had contributed a substantial amount to inter-agency appeal for assistance to the affected population of Rwanda. The same rationale applied to his Government's recent decision to contribute to the UNHCR/WFP joint appeal for voluntary repatriation of Myanmar refugees from Bangladesh to Myanmar.

21. For the past two decades, Thailand had shouldered the burden of assisting hundreds of thousands of refugees and asylum-seekers from neighbouring countries. While a number of those people had already returned home safely or had been resettled in third countries, more than 30,000 - the majority of whom were not eligible for resettlement - still remained in Thailand. Rather than focusing, as in the past, on the resettlement of those refugees to Third countries, international efforts should now be directed at their speedy repatriation. His Government therefore welcomed the outcome of the Fifth Meeting of the Steering Committee of the International Conference on Indo-Chinese refugees held at Geneva on 14 February 1994, at which it had been unanimously agreed that Vietnamese arriving in countries of first asylum should henceforth not be entitled to benefit from screening procedures under the Comprehensive Plan of Action (CPA), but should be treated in accordance with national legislation and internationally accepted practices. The Meeting had decided that all activities under CPA should be brought to an early conclusion before the target date of the end of 1995 or earlier, where possible, and that the return of all non-refugees from first-asylum countries should be accelerated to meet that target date.

22. For its part, his Government had made every effort to speed up the voluntary repatriation of Vietnamese non-refugees. Promotional activities and other measures were being implemented extensively to encourage more people to return to Viet Nam and plans were also under way to close the Panat Nikom resettlement processing centre by the end of 1994. Despite those efforts, his Government was still not satisfied with the current pace of repatriation. Region-wide monthly return movements under CPA in its present form were not at the level necessary to meet the target date of the end of 1995; complementary mechanisms had to be established to increase the momentum of return movements. His delegation took the view that the Steering Committee should meet well in advance of the target date with a view to considering any proposals that might be made for such mechanisms.

23. Another aspect of CPA that was of serious concern to his Government was the problem of 18,000 Laotian asylum seekers living in camps in Thailand, a problem regularly discussed within the framework of the Thai-Lao-UNHCR tripartite meetings. The seventh tripartite meeting, which had taken place in Thailand in July 1994, had firmly reiterated that the repatriation programme for Laotian asylum seekers should also be completed by the target date of the end of 1995 set by the Fifth Steering Committee and had drawn up an action plan to mobilize the necessary resources from the international community. A tripartite working group had been set up to monitor the implementation of the action plan. He appealed to the international community, donor countries and international and non-governmental organizations to give the repatriation programme their cooperation and financial support.

24. As to what was likely to happen after the conclusion of CPA in 1995, he noted that, in view of the present situation in the region, there was reason to expect that a large number of people would seek to enter Thailand illegally. Some of them might leave their countries as a result of situations of internal armed conflict, while others would leave simply to seek better job opportunities. His Government was exploring methods of determining the status of each group of people entering Thailand illegally so that those truly in need of protection and assistance might receive appropriate treatment.

Reaffirming his country's humanitarian policy towards people displaced into Thailand as a result of situations of conflict in their own countries, he said that his Government was prepared to provide temporary shelter to such people and to facilitate their safe return to their countries of origin when the situation returned to normal. It was also prepared to consider granting relief agencies access to returnees from Thai territory so that the necessary assistance might be provided to those people inside their countries of origin. His delegation maintained the view that people affected by armed conflict who were in need of international assistance should be able to receive such assistance in their own countries without having to cross the border.

25. In view of the prevailing instability in Cambodia, his Government once again urged UNHCR, in collaboration with other humanitarian organizations, seriously to consider the possibility of establishing appropriate facilities inside Cambodia to provide protection and assistance to Cambodians affected or displaced by situations of armed conflict.

26. His Government had also extended temporary assistance to students from Myanmar who had left their country and come to Thailand. A safe area had been established at a cost of US$ 1 million, borne by the Thai Government, to provide temporary shelter for the students and a budget of US$ 200,000 had been allocated for the current year to provide them with care and maintenance.

27. In coping with the situation of refugees and displaced persons in Thailand over the years, his Government had always enjoyed the close cooperation and support of non-governmental organizations. In recognition of the role played by those organizations, the Thai authorities had been holding regular meetings with the NGO community and had found such meetings useful in dealing with practical issues relating to the provision of care and maintenance to refugees and displaced persons. His Government therefore welcomed the launching of worldwide consultations between UNHCR and non-governmental organizations under the PARinAC process and was pleased to have hosted one of the regional conferences in Bangkok in February 1994. The successful conclusion of the PARinAC process at the Global Conference in Oslo in June 1994 was to be welcomed. In conclusion, he assured the High Commissioner of his Government's continuing full support for the work of her Office, in connection not in connection only with the refugee problem in Thailand, but also in other parts of the world.

28. Mr. WILLIAMS (United Kingdom), associating his delegation with the statement made earlier by the representative of Germany on behalf of the European Union and the acceding States, said that the United Kingdom recognized the growing burden on UNHCR and wished to pay tribute, in particular, to the UNHCR staff who had continued to provide protection and assistance to refugees even at considerable personal risk.

29. His Government had particular reasons of its own to thank UNHCR for the support it so ably provided in emergencies. Large-scale migration from Haiti and Cuba had posed special problems for the British Dependent Territories in the Caribbean, whose slender resources were unable to cope with the strain. The numbers of Haitian migrants reaching the Turks and Caicos Islands and Cuban migrants reaching the Cayman Islands during the present year had led his

Government to request UNHCR advice and technical assistance in dealing with the problem. In both cases, UNHCR had responded promptly and positively and had shown a practical understanding of the problems involved.

31. The important contribution made by UNHCR in the case of Vietnamese migrants in Hong Kong was also appreciated. His Government welcomed the intention expressed at the fifth CPA Steering Committee Meeting in February 1994 to bring the Comprehensive Plan of Action to a successful conclusion by the end of 1995, inter alia by clearing the camps in Hong Kong.

32. With regard to international protection issues, his Government's views were well known and had been well reflected in the statement made by the representative of Germany on behalf of the European Union at the preceding meeting.

33. Many of his delegation's concerns regarding UNHCR's administration and financing had arisen as a consequence of UNHCR's need to adapt in recent years in order to respond to emergencies. As a result of UNHCR's growing experience and capacity in emergency work and the fact that many of the current crises involved refugees, there was a growing tendency to turn automatically to UNHCR for assistance in the first instance. However, the members of the Executive Committee should not overlook the impact which that could have on UNHCR's other areas of work. There was a danger that UNHCR was being overstretched and that, in the effort to meet the new needs, traditional programmes would suffer.

34. At the recent meeting of the Sub-Committee on Administrative and Financial Matters (SCAF), his delegation and many others had drawn attention to the increasing difficulty encountered in drawing a distinction between UNHCR's general and special programmes activities. His delegation had suggested that a possible solution might be the creation of a single budget for UNHCR operations whereby all refugee needs could be met from the same source of funds, from the refugees' point of arrival in their country of refuge through to repatriation and resettlement. His delegation looked forward to UNHCR's own proposals on the issue and to a productive dialogue on the way forward.

35. It was also essential, in a climate of finite resources, for UNHCR to deploy its staff to where they were most needed. UNHCR must remain flexible and be able to adapt to changing circumstances. His Government therefore welcomed the current discussion within UNHCR on its strategy and priorities for Europe and looked forward to a continuing dialogue on the question.

36. More work needed to be done on developing the system of coordination under the auspices of the Department of Humanitarian Affairs (DHA). It was essential that all the organizations concerned should work together and that each should have a clear idea of what the others were doing in order to ensure that their programmes complemented each other. In that regard, the United Kingdom considered that the humanitarian programme in Angola, which was coordinated by a DHA office in the field, was a model worth following in other complex emergencies. It looked to UNHCR to support DHA in other ventures of that kind.

36. In his Government's view, UNHCR's own evaluation of its current relations with various United Nations and other agencies was a most useful and illuminating document. He congratulated UNHCR for trying to identify problems and for its efforts to date to enhance cooperation with other agencies. Much remained to be done and it was hoped that UNHCR would be able to make further progress during the year.

37. With regard to the Swedish delegation's suggestion at the recent SCAF meeting that an informal meeting should be held in conjunction with the 1995 session of the Economic and Social Council to review the imbalances in the capacity of various agencies to respond and to consider methods of improving humanitarian responses, his Government thought that the matter needed to be discussed first in the Inter-Agency Standing Committee (IASC) under the chairmanship of the Emergency Relief Coordinator. Delegations might therefore wish to consider including a provision in the current year's General Assembly resolution on the coordination of humanitarian assistance tasking IASC to look into the matter and report to the members of the Economic and Social Council within a specific time-frame.

38. In conclusion, he stressed that his comments had been made in a spirit of constructive partnership and reiterated his delegation's admiration for the great service to humanity which UNHCR performed in its contribution to the international community's response to emergencies across the world.

39. Mr. NORBERG (Sweden) said that the statement made by the representative of Germany at the preceding meeting on behalf of the European Union fully reflected the views of the Swedish delegation.

40. The large-scale enforced displacement of people, whether inside or outside national borders, was one of the most immediate consequences of war and political instability. In view of the overall desire of the United Nations and its Members to prevent and resolve any conflict that might endanger international peace and security, the Executive Committee and the High Commissioner had a responsibility and legitimate interest in accepting their share of the broader challenge of conflict prevention, conflict resolution and peace-building.

41. Preventing and resolving conflicts and building sustainable peace required a comprehensive approach. Political and diplomatic initiatives must go hand in hand with peace-keeping operations, human rights initiatives and humanitarian relief activities. Humanitarian assistance had saved many lives and proved to be an important tool in conflict prevention and conflict resolution. However, the situation in the former Yugoslavia, for example, had been a reminder that humanitarian assistance could easily become an excuse for lack of ability or will by the affected countries and the international community to deal with the underlying causes of the conflict. The need to strengthen the international community's ability to respond to those challenges had never been so obvious. That had to be done through a wide range of activities, most of which were outside the mandate of UNHCR and the Executive Committee. However, the present phase was only the first in a comprehensive, integrated and coordinated United Nations approach to conflict management.

42. With regard to matters that required attention, his Government stressed, first of all, that the institutional set up of the international community in the area of conflict emergencies, conflict prevention and conflict resolution must be gradually adapted to the new circumstances. Secondly, sustainable conflict resolution and peace-building required a close relationship between humanitarian emergency assistance, rehabilitation and long-term development activities. A new concept of integrated programming must be developed starting with the prevention and emergency phase. The relevant United Nations agencies must adapt their programming modalities to each other. Linkages had to be established that mutually reinforced and strengthened the activities carried out, by the United Nations, on the one hand, and the Bretton Woods institutions, on the other. Thirdly, the challenge of the United Nations humanitarian response in major complex emergencies was how to deal with gaps and imbalances in the capacity of the main humanitarian actors. Clear coordination between their different mandates, including responsibility for issues such as the internally displaced, demining and the demobilization of soldiers, must be established within the United Nations system. Fourthly, at the present time, internally displaced persons and others in need of protection far outnumbered those regarded as refugees under the 1951 Convention. Important differences still existed between the two groups in the areas of protection and assistance and equal treatment of all persons in need of protection had to be ensured. Fifthly, a comprehensive United Nations approach required further harmonization in the interpretation of legal instruments, as well as the development of new instruments and guiding principles to deal more effectively with new and rapidly changing situations.

43. With regard to the third point, General Assembly resolution 46/182 had provided the United Nations with the necessary tools to enable the system to cope more effectively with emergency matters. However, a consolidated United Nations response to emergency management was still not a reality. Responsibility still lay with the relevant United Nations agencies, in particular UNICEF, UNHCR and the World Food Programme (WFP). The members of the Inter-Agency Standing Committee must assume responsibility for operational coordination and the Emergency Relief Coordinator and the Department of Humanitarian Affairs were regarded as facilitators in that respect.

44. The role of the Inter-Agency Standing Committee and its Working Group must be reviewed by the agencies. The Working Group should be entrusted with a general mandate for the operational aspects of complex emergencies. One way to make progress with regard to that and other issues concerning gaps and imbalances in the system could be a joint informal meeting of the boards of WFP, UNICEF, UNDP and UNHCR in conjunction with the session of the Economic and Social Council in July 1995.

45. Refugees, the internally displaced and other persons in need of protection should all have access to international protection and assistance. To make progress in that area, there was a need for a variety of approaches and instruments. His delegation shared the view of the High Commissioner that the time might not yet be ripe for a legally binding instrument to fill the gap in the international protection regime, for instance in Europe, and he therefore strongly endorsed the proposal that progress in that regard could be made through the development of guiding principles.

46. The provision of protection for wholly uprooted societies must have a clear return focus. His Government believed in the concept developed under the term "temporary protection" and would appreciate continued work on the approaches involved in what it preferred to call "return-focused protection". His delegation stressed the need for the provision of assistance which facilitated the voluntary return in safety and dignity of wholly uprooted societies and their re-establishment in peace and security.

47. It believed, however, that UNHCR should be involved in all phases of the repatriation process by promoting concerted arrangements for specific situations, developing guidelines and seeking to encompass a broader view of international protection so that all the actors involved were aware of and abided by the fundamental principles of return. The close relationship between humanitarian assistance and international protection must be fully recognized and supported by the many United Nations agencies and non-governmental organizations involved in both countries of origin and countries of asylum. The need for that approach had been recently highlighted in the Rwandese refugee situation and successfully pursued in Mozambique and Guatemala. The Working Group on Humanitarian Issues of the International Conference on the Former Yugoslavia was another valuable approach.

48. His Government was concerned at the fact that, while resettlement needs remained high, the number of places available for resettlement seemed to be on the decline. The Swedish Parliament had established an annual quota of 1,800 refugees. Sweden had given UNHCR the option to exchange quota offers for financial contributions for refugee programmes; that meant that the equivalent of the cost of receiving a new refugee in Sweden, estimated at approximately US$ 16,000, could be transferred to UNHCR for use, for instance, in the region of the former Yugoslavia, thereby benefiting many more refugees. His Government hoped that such an approach could be useful in view of the High Commissioner's need for the flexible allocation of resources in financing programmes.

49. In conclusion, he said that his Government endorsed the proposals made by the United Kingdom and Canada in SCAF the previous week on the need to undertake proper financial planning together with UNHCR in the coming months. There was also a need to review ways to ensure that all UNHCR programmes were placed on a better and more secure financial basis.

50. Mr. WILLIS (Australia) said that the events which forced so many people to leave their homes and become refugees continued to call forth a worthy response in the work of UNHCR. To the great credit of the organization and its High Commissioner, that response was characterized by thoughtful and innovative policies and courageous and imaginative actions by UNHCR and its staff, particularly in the field.

51. Over the past year, that response had been demonstrated in the Rwanda crisis, involving over 2 million displaced persons outside the country, in addition to those internally displaced; in the former Yugoslavia, where the search continued for a durable solution; in Mozambique, where UNHCR, in close cooperation with other United Nations agencies, continued to demonstrate the utility of comprehensive approaches in any refugee return situation; and, in

Myanmar, where UNHCR had reached agreements with the Governments of Myanmar and Bangladesh to allow refugees to return to Myanmar from Bangladesh in conditions of safety and dignity.

52. Impressive as those achievements might be, there was unfortunately no indication that UNHCR would be under less pressure in the year ahead. Throughout the world, there were ever larger and more complex movements of people and ever-increasing needs for international protection. His delegation fully endorsed the agenda for action which the High Commissioner had set out in her statement and reaffirmed the importance of carefully formulated comprehensive approaches.

53. His Government agreed that there was a need for the international community to explore ways in which guidance could be developed for the protection of persons who were not refugees, as defined in the 1951 Convention, but were in vulnerable situations as a result of being displaced by war, generalized violence or internal conflict, while maintaining the integrity of traditional systems of asylum based on the Convention.

54. Many elements of the response required were already being implemented, including preventive action wherever possible, guarantees of personal security, provision of humanitarian relief, temporary protection and return to the country of origin as soon as possible.

55. The past year had highlighted the priority to be given to key operational issues such as the need for inter-agency coordination and the clear allocation of responsibilities at the field level. Tangible benefits continued to flow out of UNHCR's partnership arrangement with WFP.

56. There was a need to solve the problem of the allocation of responsibility between the operational agencies on issues such as demining and the internally displaced. His delegation welcomed the Swedish proposal to hold a pre-Economic and Social Council consultation in July 1995 in an effort to reach a decision on the issue.

57. Another key issue was UNHCR's developing role as a lead agency in humanitarian crises which did not inevitably or exclusively involve Convention refugees. While it was most practical and appropriate in certain situations for UNHCR to assume that role, action in the field should be governed by resources and operational capacity and not undertaken at the expense of UNHCR's core protection role.

58. Australia stood ready to assist in the development of more effective responses to international humanitarian need. Its commitment to sharing the international humanitarian burden was evident in its resettlement and aid programmes and diplomatic efforts aimed at addressing problems that gave rise to the outflow of people at their source, including the encouragement of closer observance of human rights.

59. His Government had also participated in multilateral peace-keeping initiatives, most recently through the deployment of Australian armed forces in Cambodia and Somalia and medical support to Rwanda.

60. For the vast majority of refugees and displaced persons, voluntary and orderly repatriation to their homeland in conditions of safety and dignity was the most appropriate long-term solution. But the need for resettlement would remain. His Government operated one of the world's largest humanitarian resettlement programmes and continued to be prepared to assist in that area.

61. His Government hoped that UNHCR's current review of resettlement would result in a well-considered appraisal of the role of resettlement and offer valuable suggestions on how to improve that important solution.

62. His Government had also emphasized close cooperation with Australian NGOs, in terms of funding, cooperation in field operations and assistance with the resettlement of refugees in Australia and in consultations on the Australian humanitarian programme. It had also found it helpful to include NGO representatives in its delegations to the Executive Committee's sessions and other international meetings. It called on UNHCR to continue its efforts to build more effective relations with its NGO partners and to continue to give priority to implementing key components of the Oslo Declaration and Plan of Action.

63. On the issue of an international or world refugee day, Australia considered it important to discuss the possible designation by the United Nations General Assembly of such an event, which would draw attention to the global refugee problem and the need for public awareness and information campaigns.

64. With regard to improvements in UNHCR's programme delivery and administrative accountability, as demand continued to grow exponentially, so would the need for UNHCR to give priority to building management and administrative capability. Key priorities in the coming year must include implementing new policies and guidelines for the protection of refugee women and children, implementing UNHCR's new guidelines to build more environmentally sustainable operations within the confines of its mandate; making the more systematic and effective evaluation of UNHCR's operations part of its ongoing work; improving staff capacity; and increasing UNHCR's accountability to the Executive Committee.

65. Referring to a regional issue of importance to his Government, he said that the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA) was a successful example of how to tackle an outflow of people in a comprehensive regional manner. In that connection, Australia had resettled over 17,600 Indo-Chinese refugees since the commencement of the plan. However, CPA was entering its final and most challenging stage, which was to bring it to completion by the end of 1995. The challenge was to conclude CPA successfully in a peaceful and dignified manner, despite mounting pressure from those who falsely believed that to undermine CPA would lead to the resettlement of those in the camps.

66. Like many other countries of asylum, Australia was affected by problems of disorderly or irregular migration, specifically problems of migrant trafficking and the abuse of asylum systems. That had been illustrated

recently by the arrival in Australia of boats carrying people who had been found not to be refugees at the CPA holding centre in Galang and who had sought to enter Australia through the domestic asylum process.

67. While UNHCR accepted that they were not in need of protection and should have been returned to Galang, under Australian law, his Government had been obliged to allow them access to Australia's refugee determination process. Following consultations with UNHCR and others, Australia was in the process of enacting legislation in relation to safe third countries that, had it existed when the boats had landed, would have enabled the immediate return of their passengers to Galang. The legislation had safeguards to ensure that Australia's obligations under the 1951 Convention continued to be met.

68. As part of a regional focus on irregular movements, Australia had hosted regional consultations on illegal migration in April 1994. Those consultations, in which UNHCR and IOM had participated, were a forum to enable countries of the Asia-Pacific region to meet and establish a dialogue that addressed regional issues. Without a regional approach and understanding, the problem of irregular population movements in the region could not be solved.

69. It would be vitally important in the years to come for UNHCR and its partners in the multilateral system to pay close attention to the work being done in related areas of concern. Some areas which should be noted as having special relevance were the Review Conference on the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, which would, he hoped, place new restrictions on the deployment of landmines in situations threatening civilians; the Inter-Governmental Group of Experts on the Protection of War Victims, which would make proposals to alleviate the plight of millions of persons who are victims of both international and non-international armed conflicts; the International Conference of Red Cross and Red Crescent Societies, which was to be held in December 1995 and which would provide a special opportunity to build a new commitment to principles and rules designed to reduce pressure on UNHCR; and the Regional Conference on Humanitarian Law which would bring together Government officials, armed forces personnel, academics and NGOs from the Asia-Pacific region and was to be held in Canberra in December 1994 under the sponsorship of the Australian Red Cross. It would make a specific regional contribution to the search for solutions to problems central to the concerns of the High Commissioner. In addition, his delegation recommended that the High Commissioner should sponsor a fresh regional consultation on the legal issues related to refugee protection in the Asia-Pacific region.

70. Mr. JIN Yongjian (People's Republic of China) said that, despite significant achievements in addressing refugee problems in the past year, the overall situation was still a matter of serious concern, with 23 million people requiring UNHCR's assistance in 1994. Any efforts to solve refugee problems would inevitably involve humanitarian assistance and action to eradicate the root causes, which included foreign aggression, outside interference in the affairs of sovereign States, territorial disputes and internal conflicts resulting from ethnic or religious discord.

71. A more just and equitable new world political and economic order based on the five principles of peaceful coexistence was an essential element in narrowing the gap between North and South. That was all the more necessary because developing countries in Asia, Africa and Latin America continued to host the majority of refugees. Developed countries should share the burden of the solution to the refugee problem and encourage close cooperation between countries of origin, countries of asylum and donor countries. An urgent response to refugee flows was also necessary and could be effective, as had been seen in the case of Rwanda. However, long-standing refugee problems should not be forgotten.

72. His Government attached great importance to the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa, which had contributed greatly to the protection of refugees by expanding the definition of refugees embodied in the 1951 Convention relating to the Status of Refugees.

73. UNHCR commanded universal respect and enjoyed particular success in its field because of its adherence to humanitarian principles and its non-political nature. Its future success depended on continued respect for its mandate, for State sovereignty and for the wishes of the peoples of the countries concerned.

74. As a party to the 1951 Convention and 1967 Protocol since 1978, China had provided effective protection to more than 280,000 Indo-Chinese refugees. In general, those refugees were satisfied with their treatment by the Government of China. However, some of them were considering returning home, as the situation in their countries of origin had improved.

75. Voluntary repatriation was the best solution to the refugee problem. In that connection, a typical example was the friendly and successful cooperation between the Governments of China and Laos. Conditions were ripe for the voluntary repatriation of other Indo-Chinese refugees and his Government hoped that the countries concerned would respond swiftly and positively. China was ready to engage in negotiations with those countries, but also needed the support and assistance of the international community and of UNHCR, in particular.

76. China had traditionally supported UNHCR's refugee protection efforts and had maintained good relations with it. The Government of China had in principle agreed to regularize UNHCR's representation in China and upgrade the chargé de mission to a Branch Office.

77. Mgr. TABET (Holy See) said that, despite the lack of resources, the work of the High Commissioner for Refugees and her staff was exemplary and worthy of the deepest respect.

78. The situations with which UNHCR had to deal were complicated by armed conflict, human rights violations and even crimes against humanity and genocide, which had all helped to undermine the Government structures of countries and regions and led to the displacement of millions of people, not least in the former Yugoslavia, including Bosnia and Herzegovina, where UNHCR

had to continue to provide assistance and protection despite the problems involved in gaining access to the population and the manipulation of humanitarian intervention by the parties to the conflict.

79. The crisis in Rwanda had clearly highlighted the shortcomings of the response of the international community and the United Nations system and, i particular, the lack of early-warning machinery and measures to prevent massacres and mass outflows. Improved coordination was essential if the refugees were to be able to return to their country of origin.

80. UNHCR had, however, been successful in other areas, especially in helpi refugees to return to Mozambique and Myanmar. The Note on International Protection (A/AC.96/830) showed that the scope of UNHCR's activity was now much broader than that provided for in the 1951 Convention and 1967 Protocol The international community therefore had to give UNHCR a broader mandate an the legal and material resources it needed so that it could provide protecti for refugees and help to solve their problems, particularly against a background of armed conflict and large-scale displacements of persons. Such expanded objectives meant that international refugee law and regional refugee instruments had to be adapted to take account of new and more complex refugee problems and might lead to the adoption of a universal or regional declaratio of guiding principles, as suggested in the Note on International Protection (A/AC.96/830).

81. The crises in the former Yugoslavia and Rwanda had shown that UNHCR urgently needed to expand its network of humanitarian assistance with the support of Governments and intergovernmental and non-governmental organizations, as recommended in the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa.

82. Although the most effective solution to refugee problems was voluntary repatriation, those who had repatriated often faced threats of reprisals and lack of security. Machinery to monitor their safety and ensure respect for their human rights was therefore essential. The repatriation of refugees must, however, be voluntary in every respect and the principle of non-refoulement had to be observed. The international community had made remarkable progress with regard to the repatriation of refugees in South-East Asia and Central America, but it was time to find an appropriate solution to the desperate situation facing persons who were in camps or who did not wish to return to their countries of origin for fear of reprisals.

83. The Holy See supported the Executive Committee's general conclusions on internally displaced persons and measures to assist refugee women and children (A/AC.96/826). Conflicts which led to large-scale displacements of persons, especially the most vulnerable, caused unspeakable suffering and hardship. The international community therefore had to do more than simply provide material assistance. In cooperation with intergovernmental organizations and voluntary associations, ways had to be found to reunite families and communities and promote reconciliation. The Church was taking an active part in such efforts.

84. Mr. de BONNECORSE (France) said that, in accordance with a United Nations resolution, France had intervened in Rwanda with the assistance of the African

countries prepared to run the risks involved in such an operation. Thousands of lives had been saved and the way had been paved for humanitarian assistance in the period before the UNAMIR troops had been able to take over. France's efforts had met with a massive response from United Nations agencies, including UNHCR, which had been particularly effective in dealing with the situation in Goma.

85. Millions of Rwandese refugees and persons displaced inside Rwanda continued to rely on the international community. In accordance with its mandate, UNHCR was working to bring about their repatriation, which was the only solution for the future of Rwanda and the only way to ensure stability in the region. However, repatriation had to be carried out with the full consent of the refugees concerned.

86. The international community was continuing its unrelenting efforts to find a solution to the problem of Bosnia and Herzegovina. UNHCR was in the front line, faced with a rapidly deteriorating situation. Attacks in and around Sarajevo were of particular concern, particularly when vital supply lines to the city were in danger. UNHCR's work in its own area and as coordinator of United Nations humanitarian assistance was essential to the survival of thousands of persons for whom UNHCR was the only hope.

87. UNHCR was also working behind the scenes to help solve many refugee crises which did not make front-page news, including long-standing conflicts in which it was trying to rehabilitate reception areas and organize lengthy and difficult repatriation operations. France had played an active role in the Comprehensive Plan of Action (CPA) and was helping UNHCR repatriate Somali refugees, especially from Djibouti.

88. The situation of internally displaced persons was one of UNHCR's main concerns. To date, there had been over 20 million displaced persons needing assistance. UNHCR's efforts to find a solution to their problems had resulted in the adoption of clearly defined assistance procedures which respected State sovereignty and were flexible enough to be adapted to a wide range of situations.

89. In dealing with temporary asylum, UNHCR had alerted the international community to the situation of persons who were in need of assistance, but were not covered by any international protection instruments. The solution was, however, not to amend existing texts or draft new instruments, but to adopt a concerted approach to specific situations, as in the case of the situation in the former Yugoslavia. Under UNHCR's auspices, solutions to crises could be found in the best interest of the victims and people qualifying for temporary asylum could be identified. On several occasions, France had granted asylum to people who were outside internationally protected categories and thus complied fully with the basic elements of temporary protection recommended by UNHCR.

90. As far as asylum in Europe was concerned, France and its partners had to ensure that those who tried to misuse the asylum laws would not prevent legitimate and deserving cases from benefiting from them. When the Dublin Convention determining the State responsible for examining applications for

asylum lodged in one of the member States of the European Communities had entered into force, it would provide better protection for asylum-seekers and member States.

91. Prevention was another matter of concern. Although it went beyond UNHCR's mandate, the establishment of early-warning mechanisms and cooperation with other United Nations bodies should be developed. The effect of such mechanisms would be limited, but assistance could be organized more promptly and large-scale displacements of persons could be prevented if the international community was better able to predict crises.

92. Mr. HYNNINEN (Finland) said that the former Yugoslavia and Rwanda had been the main recipients of Finnish humanitarian contributions during the present budgetary period. However, other areas of unrest where the refugee situation was critical and the potential for new refugee flows existed were also of serious concern.

93. The situation in the territory of the former Soviet Union was a case in point, partly as a result of ethnic conflicts and abrupt political changes which had led to social tension. Emergency relief, early-warning mechanisms and other preventive measures were needed to ensure that the situation remained under control. Mass information campaigns and assistance in institution-building in the newly reorganized societies were of the utmost importance.

94. Regional approaches and strategies would help greatly to manage refugee problems throughout the world. They would enable the international community to take account of regional specificities and different situations when trying to eradicate the root causes of refugee and migration problems.

95. Finland welcomed UNHCR's initiative to develop a comprehensive approach to the refugee and migration problem in the Commonwealth of Independent States (CIS). It was also prepared actively to contribute to the multilateral process. To that end, it had continued to intensify cooperation with the Russian authorities at the federal and regional levels. Action was needed on two fronts: to deal with problems relating to internal migrants in the CIS; and to formulate policies targeting refugees from outside the region. It was particularly important that a status determination and reception system should be set up in Russia. Multilateral efforts to assist the Baltic countries were gaining momentum. A comprehensive programme prepared jointly by the International Organization for Migration (IOM) and UNHCR had been adopted and would be implemented in the near future.

96. Non-governmental organizations had a valuable role to play in finding solutions to the problems of refugees and internally displaced persons. The Partnership in Action (PARinAC) process provided an important forum for consultation between NGOs and UNHCR at the regional and global levels. The Oslo Declaration and Plan of Action were also important steps towards increased cooperation.

97. UNHCR continued to be the main channel of Finland's multilateral assistance to refugees. Efforts had been made to increase support. Finnish contributions to UNHCR thus stood at approximately Fmk 50 million for 1994, a 20 per cent increase over the total contribution for 1993.

98. Mr. TABESH (Islamic Republic of Iran) said the fact that the number of refugees in the world had now reached a level described by UNHCR as "unprecedented" was a clear indication that the international approach to the problem had not been a successful one. Its root cause should be sought in policies of aggression, war, underdevelopment and inequalities in the international system, including the lack of access by almost 1 billion human beings to satisfaction of their basic needs and their right to development. That should become the focus of all preventive strategies and care and maintenance policies.

99. Given that the refugee question was a matter of international responsibility, he wondered why refugee host countries, especially in the developing world, were still shouldering the burden and why the basic principles laid down in the 1951 Convention and 1967 Protocol, such as the principle of burden-sharing, were not being adequately observed. There should be a new approach to the refugee problem in the light of new international economic realities, but using existing international instruments. In every circumstance, UNHCR should facilitate the opening of a frank and constructive dialogue between refugee-sending and refugee-receiving countries which would encompass, in particular, the economic and developmental problems that forced people to leave their countries.

100. The Islamic Republic of Iran still suffered from the gap between increasing "refugee needs" and the "international assistance" currently being given. For the past 15 years, it had been bridging that widening gap by using its own national resources. However, the continuation of those services to refugees would not be possible because of the economic adjustments under way in his country and it was his hope and expectation that UNHCR would revise and increase the budget allocation to the Islamic Republic of Iran as promised, despite the fact that the proposed programme and budget for 1995 showed a sharp decrease.

101. Voluntary, dignified and safe repatriation had been encouraged in recent years as the most appropriate durable solution for the Afghan and Iraqi refugee populations in his country. In the case of the Afghan refugees, an increase in the assistance package could be of vital importance in encouraging repatriation in the short term, but experience showed that the major obstacle was the underdeveloped social and economic infrastructure in Afghanistan and repatriation had to be planned in both countries comprehensively and in a coordinated manner. The efforts of the United Nations system and of non-governmental organizations for the reconstruction of Afghanistan should be repatriation-oriented and the repatriation operation should be development-oriented if the desired ends were to be achieved.

102. In the case of the Iraqi refugees in the Islamic Republic of Iran, he said his country had been assisting their voluntary repatriation during the year to the northern part of Iraq, but the situation in the southern part was a cause of grave concern. If effective and preventive policies were not

pursued, it could face a much larger refugee influx in the months to come from the southern area of Iraq. It had also received Iraqi refugees who had sought refuge in Saudi Arabia, but who had expressed their wish to be resettled in the Islamic Republic of Iran. Such resettlement operations were being carried out with the close cooperation of UNHCR.

103. He also drew attention to the humanitarian assistance sent by his country to Azeri displaced persons within their own territory.

104. His Government welcomed the positive partnership of non-governmental organizations in assisting refugees in the Islamic Republic of Iran; the most successful example was undoubtedly the work being done with the Swiss Academy for Development in the western and southern provinces. Because of the many and varied emergencies occurring in the south-west Asia region, it was both necessary and timely to organize regional meetings to serve as a framework for a dialogue between refugee-sending and refugee-receiving countries and for formulating a regional solution and capacity-building for an efficient and speedy response. His country was prepared to continue to take part in such an initiative.

105. Mr. VERGNE SABOIA (Brazil) said that refugee problems worldwide had not diminished since the forty-fourth session of the Executive Committee. Despite some encouraging developments, new conflicts had arisen and old ones had continued. There was the civil war in Rwanda and the humanitarian tragedy provoked by the sudden influx of hundreds of thousands of refugees into neighbouring countries, but there had been dramatic developments in other regions as well, notably the Horn of Africa, central Asia and the Caribbean.

106. Behind almost every refugee crisis there was widespread disrespect of human rights, compounded by extremely adverse economic and social conditions. People no longer felt that they were protected, as far as their basic rights were concerned, by the authorities of their places of origin or residence and consequently fled to other countries or regions in the hope of achieving security. In extreme cases, parties to conflicts actually forced massive flows of people as a means of achieving military or political goals.

107. The 1951 Convention and its 1967 Protocol, together with the Statute of the Office of the United Nations High Commissioner, had achieved much in dealing with refugee matters, but no longer seemed capable of responding adequately to present challenges. Now, the overwhelming majority of people in need of protection did not, strictly speaking, fall under the provisions of the Convention and its Protocol. Such was the case of people trying to escape the indiscriminate devastation that accompanied international conflicts and civil war. In some recent conflicts, those people, together with others fleeing religious, ethnic or political persecution, had arrived at an unprecedented rate at places of refuge, especially where boundaries between countries were relatively permeable. In such circumstances, status determination procedures on an individual basis could be extremely difficult to implement. Group status determination and temporary protection were the remedies that had been applied, but, while often proving effective, they should not be regarded by the international community as a definitive solution.

108. Brazil was ready to contribute to the search for better clarification of a wide range of situations which were not satisfactorily covered by the international legal framework and viewed with interest the pragmatic approach to cases of mass influx, including consolidation of the concept of temporary protection. Meanwhile, the basic principles of international refugee law, especially those of non-refoulement, solidarity and burden-sharing, should be strictly adhered to by all States and applied to categories of people other than those covered by the Convention.

109. All Governments, particularly those of developed countries, should act in a spirit of generosity and not focus exclusively on their short-term needs. They should take into consideration the fact that many of the crises that caused refugee flows had erupted against a background of extreme poverty and economic, social and political imbalances for which the richer countries shared responsibility. They should draw inspiration from those African countries which, despite their own enormous problems, had opened their borders to millions of refugees in recent times.

110. The problems of protection were not limited to the question of the granting of asylum. The fundamental rights of refugees admitted under temporary protection must be guaranteed. His delegation was concerned about the fate of many refugees, especially women and children, who had been victims of violence in the camps, including sexual abuse. Brazil gave its full support to UNHCR's efforts to address that issue and welcomed the People-Oriented Planning approach developed by the High Commissioner, the progress report on the implementation of the guidelines on the protection of refugee women and the revised version of the guidelines on protection and care of refugee children. Another cause for concern was the increasing frequency of racist or xenophobic acts of violence against refugees.

111. Voluntary repatriation was the preferable solution, followed by local integration and resettlement, but, in all cases, conditions had to be created to prevent destabilization. The role of UNHCR was crucial in ensuring progress from relief to development, but its involvement should remain within the scope of its mandate and it should coordinate its efforts with other relevant agencies. Coordination, particularly in the field, was essential. However, the solution and prevention of refugee crises ultimately lay in the correction of the huge imbalances which persisted in the world and that in turn would demand from decision-makers everywhere, but especially in the affluent countries, both a broader and future-oriented view and a stronger political will. Without a stronger commitment to international cooperation to eliminate poverty and promote development, it would be more difficult for democracy and human rights in the developing world to take root, thereby nurturing new crises and new coercive displacements of people.

112. Mr. MARIKI (United Republic of Tanzania) said that the High Commissioner's recent visit to his country following the tragedy in Rwanda had been an inspiration and Tanzania looked forward to continued cooperation with her Office in addressing the immense problems it faced as a result of the massive influx of refugees from Rwanda and Burundi.

113. At the forty-fourth session of the Executive Committee, there had been general optimism about the repatriations taking place to Mozambique, Rwanda and Burundi following the peace agreement between the Government of Mozambique and the then RENAMO, the signing of the Arusha Peace Accord between the then Government of Rwanda and the Rwandese Patriotic Front and the democratic elections in Burundi, which had seen the emergence of the country's first democratically elected President. Unfortunately, optimism had been justified only in the case of Mozambique.

114. Following the attempted coup d'état in Burundi in October 1993 and the killing of its President, Tanzania had received over than 400,000 refugees in addition to the more than 300,000 already in the country. The remaining caseload of the October 1993 influx was about 40,000, with between 30 and 80 arriving every week. Following the plane crash in April 1994, which had killed both the Rwandese and Burundi Presidents, Tanzania had been giving sanctuary to over 510,000 refugees as of mid-September 1994. All of them were registered and 1,200 were still arriving every day. The influx of more than 250,000 refugees in the 24-hour period between 28 and 29 April 1994 had been described as the largest and most rapid influx UNHCR had ever seen. It had been a catastrophe for Tanzania, but he wished to take the opportunity to thank all those Governments, regional groupings and NGOs which had given assistance.

115. Tanzania's total refugee population by the end of the current session of the Executive Committee would be close to 1 million and the impact on local communities was extremely serious in terms of environmental hazards, food security, overstretched social amenities and wear and tear on infrastructure. His Government had set up a special task force to assess the impact of the influx and a report on its findings was available. A tentative budget had also been drawn up for actions to assist the local population to absorb the adverse effects of the refugee influx. A situation in which the host population was outnumbered between three and four times by refugees could not be sustained without adopting a completely new approach to emergency assistance, which included taking adequate care of the interests of local communities, and he called on the High Commissioner to assume a leading role in mobilizing international assistance based on his Government's refugee impact study.

116. The repatriation of Mozambican refugees was proceeding satisfactorily, but he requested that the handover of the project to his Government should be done after one year instead of six months. The remaining caseload would be slightly over 6,000. The Rwandese and Burundi repatriations should both be approached regionally and be regarded as one repatriation programme. The return of Rwandese refugees would be one of the most difficult to achieve because of the magnitude of the massacres and their repatriation should be carefully planned. There should be a general amnesty for those who had committed minor offences, in order to convince the refugees that they should return home. His Government had clearly stated that it fully supported the establishment of an international tribunal to try those responsible for the genocide in Rwanda and it was ready to cooperate in any procedures acceptable to the international community and conforming to international law. To facilitate the smooth repatriation of refugees, concerted efforts should be made to rehabilitate the damaged infrastructure of the country of origin,

especially hospital services, education and communications. Likewise, asylum countries should also be assisted in absorbing the impact on their social service networks.

117. With regard to the principles of international protection, any attempt by any country or group of countries to undermine the international system of refugee protection created a danger that other countries might emulate it, thereby undermining agreed conventions, standards and practices. His delegation proposed that a special budget should be set up for income-generating activities that would be intended for refugee women and children in order to take account of the reality of cultural values and habits which discriminated against women and children in such areas as inheritance, education and property ownership. Such budgets should be reflected in all refugee programmes implemented in all countries of asylum.

118. Lastly, his delegation urged UNHCR fully to implement the Rio Declaration in drawing up sound development and environmental conservation plans of action in countries of asylum that hosted large numbers of refugees. Issues such as combating desertification, managing fragile ecosystems, conserving biological diversity, protecting the quality and supply of fresh water resources and managing solid waste and sewage in an environmentally sound manner, as addressed by the Rio Declaration, should also be adequately addressed by the current session of the Executive Committee.

The meeting rose at 6.05 p.m.

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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-fifth session

SUMMARY RECORD OF THE 491st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 October 1994, at 10 a.m.

Chairman: Mr. KAMAL (Pakistan)

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General debate (continued)

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GE.94-03979 (95-95304/EXT)

The meeting was called to order at 10.20 a.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. CERVANTES VILLARREAL (Observer for Mexico), speaking on behalf of the countries members of the International Conference on Central American Refugees (CIREFCA), i.e. Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Mexico, described the CIREFCA process which had begun in 1989 and had been concluded in June 1994 in Mexico City. CIREFCA had facilitated the joint search for solutions to the serious problem of refugees in Central America. The participants in CIREFCA were convinced that peace, democracy and development were inseparable and that there could be no lasting peace without action to solve the problems of the people displaced by armed conflicts. For the first time, the Conference had also established a link between refugee legislation and respect for human rights, as well as between the problem of refugees and the problem of returnees and displaced persons, by seeking flexible solutions for each of those groups.

2. All the participants in the Conference - member countries, donor countries, non-governmental organizations (NGOs) and the United Nations system, in which a leading role had been played by successive High Commissioners for Refugees and in particular Mrs. Ogata - had contributed to the success which was now being celebrated. Through consensus and dialogue CIREFCA had found specific means of solving the problems of the people affected by conflicts in Central America. It had secured the support of the international community and had become an innovative mechanism as well as an example of international protection, all of which had provided vital support to the peace process in the region. It was now to be hoped that soon there would no longer be any refugees in Central America.

3. The countries members of CIREFCA regarded the conclusion of the process not as the end of their collaboration but, on the contrary, as a point of departure for undertaking renewed commitments and dealing more easily in the future with the serious problems remaining to be solved. At the third and final meeting of CIREFCA they had committed themselves to try to achieve even more ambitious objectives. They had in fact drawn up for the coming years a strategy for human development in a number of areas of the region where concerted national policies to strengthen peace and eradicate extreme poverty would be carried out.

4. The pending agenda included the identification, together with UNHCR, of the most appropriate durable solution, essentially by means of voluntary repatriation, to the problem of the Guatemalan refugees located mostly in Mexico. The countries members of CIREFCA welcomed in that connection the progress made in the current negotiations designed to achieve a firm and lasting peace in Guatemala. The pending agenda of the Conference also included the promotion of human rights and democratic processes, the preservation of cultural values, and increased support for the integration of returnees and displaced persons. The member countries were convinced that by combatting the causes of displacement and social exclusion - and not only their consequences - they would be able to eradicate such phenomena from the region.

5. In order to achieve those goals they had committed their political will, imagination and experience, as well as ceaseless efforts. They were certain

that in the new phase which was opening up they would be able to count on the firm support of the international community and of the United Nations system.

6. Mrs. ALGOBSHAWI (Sudan) said that owing to its geographical location Sudan continued to have to cope with an influx of refugees which was having particularly adverse effects on its population and infrastructures. Sudan was convinced of the need to shelter the refugees but believed that the international community ought to try to find lasting solutions to the humanitarian problems and encourage voluntary repatriation. An agreement had been concluded in February 1993 for the repatriation of some 350,000 Ethiopian refugees. Sudan was currently completing the necessary preparations for the repatriation of 12,000 of them, planned for the end of October 1994, but that figure represented only a tiny part of the total number of refugees received in Sudan. Sudan would continue to work to achieve the signature of a tripartite agreement with Eritrea and UNHCR, but unfortunately Eritrea refused to sign. It had therefore had to be content with the signature on 6 September 1994 of a bilateral agreement with UNHCR for the voluntary repatriation of the Eritreans. A pilot project should be started up for the repatriation of about 25,000 refugees from that country. Sudan hoped that the agreement would be respected, even by non-signatories, and categorically refused to accept that repatriation should operate on the basis of selective criteria.

7. Sudan noted that the international community was very reluctant to assist the refugees and that financial assistance was declining year by year. Sudan was not rich but nevertheless continued to help the refugees in accordance with purely humanitarian principles. There was no doubt that political considerations had come into play and were adversely affecting the situation of the refugees. The European Union, for example, refused for political reasons to provide assistance for refugees in certain regions. It often happened as well that humanitarian missions left the country overnight without any obvious reason even though Sudan had already made every provision to facilitate their work.

8. Sudan believed that UNHCR funds were not fairly distributed among the countries sheltering refugees. In 1994, for example, two countries, one with 250,000 to 300,000 refugees and the other with 540,000, had received assistance of $US 24 million and 35 million respectively, whereas Sudan with more than 745,000 refugees had received only $US 12.6 million.

9. Sudan was resolutely fulfilling its international humanitarian obligations and had taken part in the humanitarian action for the receipt of refugees in its territory. It offered them many advantages, and some of them were even had land to farm. The refugees had total freedom of action and movement in Sudan, and many of them had received assistance with the completion of the necessary administrative formalities for engaging in commercial and other economic activities. The advantages enjoyed by the refugees in Sudan were comparable to those enjoyed by all foreigners engaging in commercial or economic activities. Sudan cared for the refugees without taking any political considerations into account. UNHCR, for its part, should fully discharge its responsibilities by contributing to the repair of the infrastructure which had been seriously damaged by the inflows of refugees, especially in the regions which had not been prepared to receive so many of them.

10. Sudan had not forgotten that there were also some 250,000 Sudanese refugees in neighbouring countries and noted with regret that they did not

always receive the protection to which they were entitled. Furthermore, several thousand Sudanese refugees were victims of coercion and discrimination involving certain co-called highly respectable persons. One Sudanese refugee in a brother country had been forced to leave because he had been accused of seeking to stir up discord and disorder. That was contrary to humanitarian practices. Refugees must enjoy assistance without distinction as to colour, race or social class, and the country concerned should correct the situation. Sudan was anxious to ensure that its citizens were protected in the neighbouring countries and wished to secure their voluntary repatriation, but it had run up against many obstacles. It appealed to UNHCR to play a positive role by convincing the countries sheltering Sudanese refugees to allow the Sudanese authorities to visit them. In Sudan the doors were always open to UNHCR and to anyone who wished to visit their fellow citizens who had taken refuge there.

11. Sudan had just been the scene of a crime against mankind. Twenty thousand Sudanese children had been kidnapped and land had been mined to prevent any countermeasures. Such acts were reprehensible and despicable, especially when they involved children who risked becoming involved in the war. Sudan urged UNHCR, the International Committee of the Red Cross (ICRC), the various countries concerned and the whole international community to help it to rescue the children.

12. He had noted with surprise that a UNHCR report gave the impression that the war in the south of the country was due entirely to application of the Shariah. That information was totally false, for application of the Shariah as the fundamental law had been decided upon at the end of September 1983, whereas the war had begun much earlier, at the end of the summer of 1983. The war was due to the contemptible and hateful policies of colonialism. Christians and members of other religions could in fact practice their religion freely and were subject to no harassment.

13. It was asserted elsewhere in the report in question that the Government of Sudan favoured certain parties in the war in the south of the country. The Government had, however, tried to distribute food, including maize, to all the refugees, even in the conflict zone. Sudan had also opened its air space to enable foreign missions to cross the country to go to put an end to the war. Unfortunately, some United Nations staff members had been murdered in the region. Sudan could not accept the unjustified allegations contained in the UNHCR report. She wished moreover to add that the Sudanese Government had created a supreme peace council to be responsible for reconstruction in the south and had begun talks with the rebels in that region.

14. According to another paragraph in the report, the Sudanese Government had taken no action to solve the problems in the south of the country. That allegation was also totally unfounded. The Sudanese authorities had endeavoured to provide every possible facility for the refugees and immigrants as far as health, hygiene and education were concerned. They had tried to transfer to well organized refugee camps a number of rebels who had been wounded and could not receive the necessary medical assistance in the field. They had facilitated the movement of the United Nations missions. Anyone could come to see what was happening in the camps and gain a clear idea of the actual situation.

15. Sudan wanted the international organizations to verify the grounds for their assertions. The Sudanese delegation was following closely the efforts to

improve cooperation among the NGOs and the United Nations bodies. It thought that the recommendations made by the Oslo Conference in June 1994 should be reviewed and reformulated to bring them closer into line with the situation so that they could make a contribution to the implementation of various projects.

16. Mr. ENNACEUR (Tunisia), speaking on behalf of the President of the Organization of African Unity (OAU), paid a tribute to the High Commissioner for Refugees for the dedication which she had shown in the cause of refugees throughout the world and particularly in Africa, the continent which led the world in numbers of refugees with almost 40% of the total. Africa was particularly grateful to the donor countries and humanitarian organizations for the assistance which they had provided to refugees and displaced persons in Africa and for the efforts made to ease their suffering. OAU paid a tribute to the African countries bordering on the affected regions which had received and succoured the refugees at great cost to themselves.

17. The President of OAU was determined to spare no effort to strengthen the process of national conciliation among all the parties to the conflict and was endeavouring to help to create favourable conditions for the voluntary repatriation of the refugees. The international community should therefore support the OAU efforts by encouraging donor countries to offer financial backing for the central administration of the machinery for prevention and settlement of conflicts in Africa and to give priority to economic and social development in Africa so as to establish there a climate favourable to democracy and respect for human rights. While they welcomed the increased assistance for refugees, the African countries thought that it should not be provided at the expense of development aid, because most of the population movements were due to inadequate development and the inability of some States to meet the essential needs of their people. It was certainly necessary to prevent the outbreak of conflicts by means of preventive diplomacy, but when such conflicts had emerged any further outbreaks should also be prevented by establishing a lasting peace and carrying out for that purpose sustained and concerted measures in the economic, social, cultural and humanitarian fields.

18. In his message to mark the twenty-fifth anniversary of the OAU Refugees Convention, the President of the Republic of Tunisia and current President of OAU had stated that the strengthening of security and stability and economic and social development ought to be able to ensure the return of all the refugees to their own countries in Africa. He had also repeated his appeal to the international community and primarily the donor States to make aid to Africa one of their main priorities. In a message addressed to the group of seven most industrialized countries the President of Tunisia had described the recent events in Rwanda and had emphasized the need for the international community to provide effective support for the African efforts and for the OAU conflict settlement machinery and the need for close coordination between OAU and the United Nations on the one hand and cooperation among all States and peace-loving forces on the other.

19. The thirtieth OAU summit, held in Tunis in June 1994, had taken a very close interest in the persistent problem of refugees and had adopted a series of practical measures in that connection. The African heads of State and Government had expressed their profound gratitude to UNHCR and to the countries bordering on the areas of tension which had received refugees. They had stressed the need to correct the deterioration of the economy and environment in

the countries of asylum and the harmful effects which the inflows of refugees had had on public services and the development process in those countries. There was hence a need to coordinate the work of humanitarian organizations and provide adequate financial, medical and material assistance to persons in difficulty and in particular to the most vulnerable groups. The participants in the OAU summit had proposed in that connection the convening, in December 1994 at the latest in Bujumbura, Burundi, of a regional conference on assistance to refugees, returnees and displaced persons in Central Africa. UNHCR and the donor countries had given that proposal a favourable reception.

20. Events had been organized to mark the twenty-fifth anniversary of the OAU Refugees Convention. The High Commissioner had made contributions to them and had stated her determination to support the strengthening of the Convention and the general cooperation between her Office and OAU. The current President of OAU had addressed a message to the participants in the events in which he had argued inter alia for radical long-term management of the refugee problem and for preventive action to strengthen the security and socio-economic development of the African continent, in the knowledge that the prospects for world security and stability depended largely on development.

21. The Tunisian delegation had noted with interest the Declaration and Plan of Action adopted by the world conference on the PARinAC process held in Oslo in June 1994. The African countries, which had taken an active part in the process since the preparatory meetings for the conference, believed that it had a paramount role to play in the review of all aspects of the refugee question. The complexity of the refugee problem now demanded in fact better collaboration between all the parties, Governments, United Nations bodies, and intergovernmental and non-governmental organizations. The African countries therefore hoped that the implementation of the Plan of Action would help to strengthen the capacities of local humanitarian organizations and their participation in the various stages of refugee assistance and relief operations.

22. Mr. VILAGOSI (Hungary) said that the reception of refugees was an imperative of the international community and stressed that Hungary had a long tradition of providing asylum for the persecuted. Its refugee policy, which was based on a national consensus, enjoyed the support of the Hungarian people and the cooperation of the NGOs concerned. In Hungary many refugees were accommodated in families. Since 1988, 126,000 asylum-seekers had been given refuge.

23. Hungary was firmly committed to international cooperation for the protection of refugees. Its collaboration with UNHCR had begun five years earlier, following the dismantling of the iron curtain, when it had been confronted by severe and unforeseen humanitarian problems. In addition to the Southern Slav crisis, refugee and migratory movements were now affecting a large part of the territory of the former Soviet Union. That development demanded concerted action by the High Commissioner in a regional context. Hungary was in favour of convening an international conference of the States concerned, the idea of which had been put forward by the High Commissioner, to discuss the complex problems of refugees, displaced persons and other persons caught up in the flows of forced migration, with a view to determining a comprehensive strategy.

24. Hungary hoped that closer cooperation would be established between UNHCR and the High Commissioner for Human Rights. Such cooperation ought to be designed to address the issues raised by forced displacements, to monitor carefully the situation in the countries of origin before voluntary repatriations took place, and to pay close attention to the security of the returnees with full respect for their fundamental rights as laid down in the international legal instruments. Such cooperation would be extremely timely and useful in the context of a settlement of the Yugoslav crisis.

25. Moreover, taking into account the risks associated with population movements in the CSCE region and the generally recognized concept that the sphere of competence of UNHCR covered all the issues raised by such movements - from conflict prevention to conflict solution and resettlement - the High Commissioner should be encouraged to establish closer links with the CSCE process. The growing challenges facing the international community also called for the strengthening of cooperation between UNHCR and its natural partners, the NGOs. The far-reaching recommendations contained in the Oslo Plan of Action might serve as a suitable framework for joint efforts to give practical effect to the PARinAC process.

26. The Hungarian delegation noted with satisfaction that senior UNHCR officials had contributed to the work of several forums and conferences on refugee matters held in Hungary and it hoped that such assistance would be continued. One of the principles of Hungary's refugee policies was that every nation or community had an inalienable right to live in its homeland and to have its fundamental rights respected there. Voluntary repatriation remained of course the preferred solution to the refugee problem but, when it was not feasible, settlement of refugees in the asylum country often proved to be a suitable solution, even on a temporary basis. The asylum countries must therefore have the benefit of international solidarity.

27. Reception, medical care, accommodation and feeding of refugees, and administration of refugee centres had all become well established routine activities in Hungary, but it now had to tackle a completely new task of a different kind: solving the problem of the thousands of refugees who had been living in the camps for several years. In theory the most obvious solution seemed to be integration, but in practice several problems arose: most of the temporarily protected people did not wish to settle in Hungary but preferred to return to their country of origin or settle in a third country, although their chances of reintegration were diminishing rapidly; a large number of the temporarily protected persons were elderly or disabled, and a mental institution even had patients needing permanent medical care who had no hope of "integration". In fact, in view of its current economic difficulties Hungary could envisage the successful integration of only a tiny number of temporarily protected persons.

28. Support for refugees and temporarily protected persons and the establishment of a new type of care system required enormous financial and social efforts. Hungary had started several new activities to meet the demands, including: an integration programme for refugees who might be settled in Hungary; improvement of the infrastructure and of the social and medical services in the reception centres - with special attention given to psychological training; establishment of kindergarten, elementary and secondary education in the mother tongue of the children in the refugee centres;

organization of vocational training courses for the younger generation; annual trips for all refugee children to holiday resorts in various places in the country; and introduction of special arrangements to enable the many Islamic refugees to exercise their religion.

29. The success of such programmes would require continuous assistance from UNHCR. Coordination of the various refugee agencies and organizations had been considerably improved within the country and internationally as well by the establishment of the Office of Refugee and Migration Affairs. Cooperation with the UNHCR office in Budapest had become more direct and operational.

30. Hungary was continuing its legislation and codification work and hoped that a comprehensive refugee law consistent with European standards would be adopted during the current session of Parliament. It would highly appreciate any international assistance which could help in that work, especially the further participation of UNHCR officials and experts. Hungary itself would continue to support UNHCR action.

31. Mr. MAELAND (Norway) said that his delegation fully associated itself with the statement made by Germany on behalf of the members of the European Union and the acceding States, but he wished to address some issues which the Norwegian Government regarded as particularly important at the present critical juncture in the work of UNHCR and its Executive Committee.

32. Since the previous session of the Committee the pattern of large-scale conflicts and humanitarian disasters had continued unabated. Progress had been made in some parts of southern Africa, Central America and the Middle East, but the former Yugoslavia was about to enter its third winter of war. Several countries were experiencing ethnic violence, sectarian conflicts and the breakdown of State structures. The humanitarian tragedy in Rwanda was far from over. The net outcome of such conflicts was massive refugee flows and mounting numbers of internally displaced persons.

33. The Committee had a special responsibility to assist the High Commissioner in meeting the increasing demands. It must continue to work with her Office to determine strategies, priorities and means of implementation. It must also decide how to strengthen the partnership with other agencies and NGOs. As the High Commissioner had pointed out in her statement, the task was to establish a viable agenda for humanitarian action in the future. In discharging that responsibility, the members of the Committee must, first of all, seek to secure the unique protection mandate of UNHCR; the tools of the past must be adapted to the needs of the present. Observance both of fundamental human rights and of the principles of refugee and humanitarian law by the parties concerned was imperative in that regard.

34. The refugee problem was reaching critical proportions in almost all parts of the world, straining the established structures and institutions of international protection. The 1951 Convention and the 1967 Protocol, although initially designed to provide a legal framework to protect individuals fleeing persecution, remained the cornerstone of international refugee law and the only universal instruments for refugee protection. Since the number of persons in need of international protection had escalated dramatically, there was a need to address more systematically the protection issues in situations of mass outflows resulting from war or conflict.

35. Norway agreed with UNHCR that new avenues must be explored to ensure, in specific situations, the international protection of persons in need even if they sometimes fell outside the immediate scope of the established legal instruments. Temporary protection constituted a useful device in that respect, as it facilitated instant international protection. Increased regional harmonization of national legislation on refugee protection was another option worth considering. A comprehensive but not binding declaration of guiding principles for international protection, the idea of which had been put forward by the High Commissioner, opened up other interesting vistas of how the present gaps in the international framework might be bridged. The Norwegian Government was grateful to UNHCR for having examined the protection concepts so thoroughly and for having placed the issue in a broader context. Norway looked forward to giving further consideration with UNHCR to the means of translating such ideas into reality.

36. Secondly, humanitarian action alone could not prevent refugee crises or provide solutions to them. As the High Commissioner had pointed out in her introductory statement, humanitarian action increasingly took place within more comprehensive approaches to conflict management. In such circumstances humanitarian action had both a value of its own in bringing relief to persons in need and an added value in the wider political effort. Humanitarian assistance and reintegration programmes could often be of vital importance in bringing different sections of war-torn societies together, both during the emergency phase and in the phase of post-conflict peace-building. The success of any comprehensive effort required an overall strategy with clear roles, sufficient resources and a clear division of work among the agencies concerned. The lessons learned from Rwanda suggested that that part of the United Nations effort could be improved. The system failures alleged in some quarters reflected negatively on all the agencies involved and on their member Governments. Humanitarian action was particularly important during the emergency phase of conflicts, and emergency preparedness was therefore vital. It presupposed a solid organizational base for contingency planning, rapid deployment, and coordination of the overall humanitarian effort. Most often, it would be necessary for UNHCR to draw on resources in member countries and NGOs. The Norwegian Government was often impressed by the efforts made by UNHCR to improve its emergency preparedness and it would continue to work with the Office and the other humanitarian agencies to strengthen even further their collective capacity to support that crucial endeavour.

37. Thirdly, since humanitarian action often took place during conflicts or wars, it was necessary to continue to refine the relationship between that type of action and peace-keeping operations. Traditionally the two had been kept apart in order to safeguard the non-political nature of humanitarian action, something which remained a paramount objective. But in Bosnia-Herzegovina, Somalia and other conflicts, military protection by United Nations peace-keepers had been necessary to ensure access for humanitarian relief and protection of humanitarian personnel. Increasingly, humanitarian operations had to cooperate with peace-keeping forces, political mediators, human rights observers and others in comprehensive United nations operations. Increased cooperation with military and civil-defence establishments would be necessary in order to improve logistics and the overall response capacity. Greatest care should be taken to protect the humanitarian space in such concerted operations. Humanitarian action took place in a political context, but any attempt to politicize protection or the access of humanitarian relief must be resisted. Force should

be used only as a very last resort, and any situation where the humanitarian effort might become hostage to the parties to the conflict must be avoided. The bodies coordinating the overall effort must pay heed to the humanitarian considerations.

38. Fourthly, the need to secure a continuum from relief to sustainable development remained important. It would always be vital for UNHCR to ensure conditions which would allow for the safe return of refugees. Peace-building required a political process to prevent the outbreak of new conflicts (agreements on the cessation of hostilities, political accords involving comprehensive confidence-building measures, national reconciliation and respect for human rights). It sometimes also implied the reconstruction of basic State infrastructure such as the judicial, health and education services and the reestablishment of a civic society. The repatriation of refugees should be seen in conjunction with such processes. The ideal environment for the return of refugees could be provided only by a solution of the conflict, but that was rarely achieved. Thus repatriation often took place in a context of continuing instability or insecurity. Providing protection for returnees therefore gave rise to major new challenges. The deployment of human rights monitors in such situations was a new instrument which merited more support. The active involvement of the parties concerned was a basic prerequisite to overcoming the obstacles to protection in fragile situations. Repatriation should therefore take place within a framework coordinated by UNHCR and in accordance with its guidelines.

39. Fifthly, several of the humanitarian tragedies were so great and of such complexity that it was beyond the capacity of UNHCR alone to deal with the challenges of prevention and solution. The Norwegian Government supported the High Commissioner in her catalytic role and her efforts to forge and reinforce partnerships with various intergovernmental and non-governmental actors; it had thus been happy to host the world PARinAC conference in June 1994. The Oslo Declaration and Plan of Action adopted at that meeting contained an impressive number of useful recommendations on how to strengthen the operational relationship between UNHCR and NGOs. The protocol agreed between the High Commissioner and the NGO community constituted a solid blueprint for building a viable partnership. The continuation of that process deserved the active support of the Executive Committee and of member States. However, the PARinAC process would be judged by its practical results, essentially in the field.

40. He emphasized in conclusion that it was necessary to work towards better burden-sharing in the provision of resources and the determination of the priorities for their use. For many years Norway had been among the leading contributors to UNHCR (in both real and per capita terms). For the current year it had already given 218 million Norwegian kroner to the High Commissioner's programme and now announced an additional cash contribution of five million kroner to the UNHCR programme in the former Yugoslavia and, subject to parliamentary approval, a further contribution of five million kroner to the repatriation operation in Mozambique.

41. The structural underfunding of the general programme was worrying, and the Executive Committee should issue a strong call for better burden-sharing. Norway also joined the members of the European Union in stressing the need to broaden the donor base. While encouraging UNHCR to pursue its strategic policy development and programme management in order to ensure the most efficient use

of resources, Norway called on the Office to continue to work closely with all relevant parts of the United Nations system in order to be better prepared to meet the overwhelmingly complex emergencies and to work jointly for the establishment of favourable conditions for solutions and prevention.

42. Mr. KRYLOV (Observer for the Russian Federation) said that his delegation hoped that the current session of the Executive Committee would be the last one in which it participated as an observer and that by the next session the process of admitting Russia to full membership in the Committee would have been completed. Many considerations, including legal, ethical and practical ones, argued for such a move since Russia was undeniably playing an active role in the efforts of the international community to protect refugees and other forced migrants.

43. Developments in regions as different and as remote from each other as Central Africa, Bosnia, Abkhazia and Somalia had made everyone aware of the bitter notion of humanitarian disaster. It was tragic that the international community had failed to meet the challenges of the times. The intensity of the human suffering involved compelled not only a response to the situation but also reflection on the establishment of effective mechanisms to prevent events from running out of control.

44. In all regions of the world the humanitarian disasters had the same deep roots: social and economic instability, the rise of nationalism and xenophobia, ethnic, clan and religious intolerance, and disregard for basic human rights. For Russia and the other countries of the former Soviet Union, those were not abstract notions but everyday realities. The peculiarity of Russia's situation was that its humanitarian problems persisted unabated even as the democratic reforms continued. Russia had to address new problems of a magnitude which exceeded its capacity to provide solutions. It stood in immediate proximity to areas of instability and regional conflict, mainly in the Caucasus and Central Asia. The flows of refugees and other forced migrants from those regions to Russia were increasing and now totalled nearly two million people. The swelling tide of ethnic Russians wishing to settle in Russia was in itself a source of great worry, for even in a relatively safe country such as Uzbekistan their numbers had grown by a factor of eight between January and August.

45. Russia also faced other great difficulties connected with the increasing numbers of refugees from countries of Asia and Africa, the majority of whom regarded Russia as only a temporary refuge on their way to Western Europe or America. But the tougher entry conditions in some countries which traditionally accepted refugees brought a growing danger that such persons would settle in Russia, which might thus become a kind of "reservation" for illegal immigrants.

46. Russia was perfectly aware that the solution of its problems was primarily its own responsibility; that was not only a moral duty but also an obligation under the many international instruments to which it was a party. Some progress had been made in the application of the 1951 Convention. For example, a federal migration programme had recently been approved, and the Government had taken a number of decisions on the regulation of migration, determination of status, relations with refugees, and uncontrolled migrations. Progress had also been made with regard to relations among the partners in the Commonwealth of Independent States (CIS). An agreement on assistance to refugees and other forced migrants had been signed and a convention on the rights of ethnic

minorities drafted. Much had also been done to stabilize the economic and political situation in the CIS countries; that was without doubt the most effective way of reducing the number of refugees and migrants.

47. Russia was very grateful for the moral and material support given by international organizations, in particular UNHCR, and was anxious to gain more experience of joint activities such as the implementation of the quadripartite agreement on the voluntary return of refugees and displaced persons from Abkhazia. The next undertaking would be the joint preparation of conditions for the return of refugees from North Ossetia and Tajikistan.

48. Russia believed that its cooperation with UNHCR could be substantially expanded and hoped that the Office would give more attention to the situation in Russia. No one of common sense could wish Russia to become a source of instability, a country producing uncontrollable flows of aggressively minded refugees. In that connection the regions of Russia accepting refugees should be priority recipients of the technical and other assistance provided by UNHCR and other international organizations; such cooperation should be broadened to include the training of Russian experts in refugee matters, and UNDP projects could be used for that purpose.

49. Russia was absolutely in favour of broad international cooperation which might lead to the convening of an international conference on refugees and forced migrants in the territory of the former Soviet Union. The purpose of such a conference would be to enable the participants to analyze objectively the existing and potential problems and outline a comprehensive programme to resolve the issues and prevent new flows of refugees. The conference could also help to make public opinion in the participating States more aware of the need to help refugees. Russia itself had already begun without delay to make preparations for such a conference by drawing up a draft national report and establishing a legal basis for the definition of refugee status, and by improving the coordination among refugee agencies. The consultations which Russia had held with many States had confirmed their interest in holding such a conference. That was an encouraging sign which demonstrated that the international community did not intend to distance itself from the problems of the post-Soviet space; Russia was grateful to it for that.

50. However, Russia did not think only of itself and was aware that membership of the Executive Committee involved participation in the international refugee efforts in other countries. It was taking part in UNHCR operations in Yugoslavia and had already made a contribution of $US 500,000 for Rwanda. It was ready to take part in UNHCR operations in several countries of the former USSR, for example in the Caucasus and Central Asia. Russia was also providing bilateral humanitarian assistance to a number of countries, including Albania, Cuba, Colombia, India, Madagascar and Afghanistan.

51. Russia was seeking to become an active member of the Executive Committee and had prepared proposals concerning measures to prevent humanitarian disasters. It was in favour of creating a system for the exchange of advance information about mass flows of refugees and for the elaboration and early adoption of appropriate measures to prevent and reduce mass exoduses. In the establishment of such a system, account should be taken of the emergency situation early-warning measures which were being drafted by the Department of

Humanitarian Affairs. Coordination between the various elements of the United Nations system concerned with humanitarian issues should also be improved.

52. One of the most pertinent of current issues was the relationship between mass violations of human rights, forced displacements, and threats to peace and international security. Like UNHCR, Russia was in favour of the integration of human rights monitoring arrangements as a preventive measure into peace-keeping operations and peace negotiations. Only joint efforts by the international community which took due account of the potential of each participant and specific national and regional conditions would make it possible to avoid such tragedies as Rwanda, Sarajevo and Somalia. As the High Commissioner had rightly said, it was by protecting individuals that tensions were reduced in a society and global human security enhanced. That was the only way to lay a solid basis for the sustained and progressive development of mankind in the next century, when the degree of effective respect for a person's rights and satisfaction of his needs would become the true criterion of the progress of civilization.

53. Mr. DEMESKA (Ethiopia) said that the practices of humanitarian aid must be based on an analysis of the root causes of the refugee problem and be consistent with the principles of international solidarity and cost-sharing. In most cases, the root causes were to be found in the management of social, economic and political problems and in the failure to respect human rights. It was therefore important, if the refugee problem was to be solved, to consider the constraints on sustainable socio-economic and political growth, not only in one specific country but also at the subregional, regional and global levels, in the spirit of the international instruments concerning refugee protection.

54. With regard to the approach to programming, which perhaps reflected the flaws inherent in the guidelines for humanitarian aid policy, it seemed that priority had so far been given to ad hoc arrangements without any genuine attempt to define methods which could link emergency and relief assistance to activities to harness the potential of the recipients, i.e. the refugees and returnees, something which could only facilitate the search for durable solutions. In order to promote such durable solutions and especially voluntary repatriation, an effort should be made, in parallel with refugee care and maintenance activities, to synchronize relief operations in asylum countries with measures to facilitate the reintegration of refugees in their countries of origin. Additional funding should be provided for that type of action, for it could make a great contribution to the maintenance or restoration of peace in various subregions or regions and would result in lower costs in the end.

55. The Ethiopian Government was relatively satisfied to see that a large part of international protection activities was devoted to the Horn of Africa, where the numbers of refugees and returnees illustrated the sociological, economic, social, psychological and political forces at play in the subregion. In its view, the implementation of a global plan of action could do much to overcome the obstacles to the restoration of people-focused sustainable development, i.e. development which met the needs of present generations without compromising the future. But the volume of international assistance was not nearly as big as it could be. The case of Ethiopia was particularly illuminating. At present it was providing sanctuary for slightly more than 284,000 refugees from neighbouring and more distant countries. It was also attending to the reintegration of about 865,000 Ethiopians who, after the fall of the dictatorship, had voluntarily opted to return home, either by their own means or

under an organized repatriation operation. The assistance furnished to such returnees was additional to the food relief distributed to about seven million Ethiopian drought-victims, the purposes of which included the prevention of exodus.

56. As part of the search for durable solutions to the refugee problem the Ethiopian Government was seeking to promote voluntary repatriation, as was demonstrated by the gathering together of Somali refugees in camps in the east of the country, in September 1994, as the first phase of their repatriation. The number of refugees in the various camps totalled 181,000 (but 631,000 ration cards had been issued). The Ethiopian delegation earnestly hoped that the voluntary repatriation programme would be speeded up. But experience had shown that the international programmes for refugees and returnees often fell short of expectations owing to inadequate content or funding, not to mention the tardy use of the appropriated funds in the field owing to disbursement delays. In such circumstances, and even though Governments sought more rational management of programmes and improved cost-effectiveness of the corresponding support services, it was ever more difficult for the countries and for the international humanitarian community which supported their efforts to solve the increasingly tragic problem of refugees.

57. It was therefore clear that the rationalization and streamlining effort must be continued. In particular, there should be better coordination of the work of subregional and international intergovernmental organizations and of UNHCR and Governments in order to manage the general and special programmes more effectively by giving greater attention to the needs of women and children and to environmental protection. Support must be given to the programmes and projects which sought to combine activities for refugees and returnees (relief and reintegration assistance) with more general activities to promote sustainable development in the countries receiving refugees and/or returnees, as well as to the establishment at the global, regional and national levels, within the framework of the refugee and returnee programmes, of a genuine continuum involving relief operations, refugee reintegration work, and development activities. Lastly, more vigorous support, including the provision of technical assistance to national implementation officials, should be given to the efforts made by the countries themselves to enhance their capacity to deal with refugees.

58. Mr. FASEHUN (Nigeria) said that Nigeria saluted the High Commissioner for her courage in carrying out humanitarian activities which sometimes extended beyond the mandate of UNHCR. Although that mandate, as set out in the 1951 Convention and the 1967 Protocol, had never been changed, the tasks entrusted to the Office had been vastly expanded. Within the resources made available to it, UNHCR had sought to cope with the increasing numbers of refugees - there were now some 20 million throughout the world - and to solve the extremely varied humanitarian problems arising from internal upheavals and the collapse of States.

59. However, UNHCR appeared to be overwhelmed by the scale of forced migrations - of which the tragedy of Rwanda provided an illustration. In fact, what had happened in Rwanda did indeed demonstrate that it was essential to address the root causes of refugee problems before they degenerated and to devise preventive measures. But it was for the intergovernmental political institutions and not UNHCR to take that kind of initiative.

60. It was true that the primary role of UNHCR was to protect persons fleeing persecution in their State of origin. But protection, important as it was, must not be an end in itself. It must instead be seen as a way of mitigating the impact of forced displacement while solutions were being found for its underlying causes.

61. The Nigerian delegation acknowledged the efforts made by UNHCR to enable refugees to learn and acquire skills before their voluntary return to their countries of origin, and it thought that the teaching of tolerance and mutual respect ought to be an important component in the education programmes for refugees. Other agencies also had an important role to play in improving the quality of life of refugees and preparing them to resume normal life. The Bretton Woods institutions should help to finance the rebuilding of infrastructure and overall economic development in order to encourage repatriation. In the search for durable solutions to the refugee problem it was not enough to address the issue of poverty and underdevelopment; an effort must also be made to deal with the other factors which created the problem, including in particular intolerance, social tensions and economic deprivation.

62. In order to tackle the problem of internally displaced persons, who were more numerous than refugees, a specific mechanism with a clearly defined mandate must be established. However, pending the introduction of such a mechanism, it was UNHCR which should assist displaced persons.

63. The Nigerian delegation expressed its profound appreciation to donor countries and countries which, despite their meagre resources, received refugees. It also acknowledged the immense contributions of numerous NGOs operating under difficult conditions. Nigeria had contributed and would continue to contribute, within its resources, material and financial support for refugees and internally displaced persons. As was generally known, Nigeria had been playing a leading role in the search for a solution to the Liberian crisis. It had also supported humanitarian assistance activities not only in Africa but also in other regions of the world. Despite the financial cost of such action, Nigeria would continue to play its part in the laudable work of refugee relief.

64. In conclusion he paid a tribute to the various Governments and NGOs and to UNHCR, UNICEF and ICRC for the efforts which they had made to provide desperately needed emergency relief for the victims of armed conflicts. The considerable increase in the number of refugees and internally displaced persons and the complexity of the issues represented an overwhelming challenge which the international community must take up by means of determined and effective action. The Nigerian delegation urged UNHCR to cooperate more actively with all relevant organizations for the benefit of refugees and it invited the Governments of donor countries to provide the Office with greater assistance. If a comprehensive and lasting solution was to be found, initiatives on the political front must be complemented by an effective programme of economic and humanitarian aid.

65. Mr. LARSEN (Denmark) said that his delegation associated itself fully with the statement made at a previous meeting by the representative of Germany on behalf of the European Union but it wished to make some observations on the two major challenges facing UNHCR: the challenge of growth and the challenge of protection.

66. The first challenge was by no means a new one. Over the past 10 years UNHCR had had to cope with a steady growth in the total number of refugees. But a new factor had now been added to the situation - the increasing complexity of emergencies giving rise to mass displacement. So far UNHCR had been able to cope with that development and, under Mrs. Ogata's leadership, it had skilfully managed the rapid expansion of its capacities. Events over the past year also showed that UNHCR had considerably improved its emergency response capacity. In that context the Office was to be commended for its effective and quick response to the Rwanda emergency.

67. Nevertheless, it seemed that the time had come to address the question of whether, with a total budget of $US 1.3 billion, UNHCR had reached the structural limits of its growth. Further growth would not of course be impossible - and UNHCR, if called upon, would know how to shoulder its responsibilities - but it would certainly add to the already perceptible structural strains. What should now be done - before the next major crisis erupted - was to look at ways of easing some of the strains. Some measures would have to be taken by the High Commissioner herself, some by other United Nations organizations, and some would require a concerted effort by the international community.

68. First of all, there was an urgent need to develop further the division of labour and the coordination between the relevant actors in major emergencies and to look into the gaps in the response capacity of the United Nations system. If the response capacity of UNHCR alone was improved, without a corresponding improvement in that of its partners, the result would be merely to add to the strains. A more efficient division of labour reflecting the comparative advantage of each organization was necessary. Too often UNHCR had had to take upon itself responsibilities which others ought to have borne. Any improvement in that area would require concerted action by the governing bodies of a number of United Nations organizations and programmes and, accordingly, some harmonization of the policies of member countries. One way would be to see to it that the Inter-Agency Standing Committee played a more effective role.

69. Strengthening of the cooperation between UNHCR and its implementing partners, as foreseen in the PARinAC process, would help to ease the financial burden on UNHCR and improve programme planning and delivery. The Danish delegation strongly supported such a development and hoped that the envisaged closer cooperation between the Office and NGOs would be based on clear performance criteria and regular performance reviews.

70. The extraordinary dimensions of the Rwanda crisis had demonstrated the need to consider innovative ways of strengthening both the emergency preparedness of UNHCR and its capacity to cope with large-scale demands. The machinery for the provision of self-contained service packages as a means of involving donor Governments and NGOs in programme delivery was an interesting initiative which should be taken further. To that end, some of the existing standby arrangements might serve as a model for more comprehensive ones covering not only personnel but also programme delivery within specifically defined areas. In that connection his Government had decided to establish a new comprehensive emergency response capacity to be operated by the Foreign Ministry.

71. The increased demands on UNHCR had accentuated the need, now greater than ever before, for efficient management of resources. At a time when donor countries, including Denmark, were emphasizing the need for strict application of the principle of accountability and enhanced efficiency in the United Nations system, the Danish delegation noted with appreciation the progress made by the Office in programme management and delivery. It welcomed the speedy implementation of the recommendations of the internal Working Group on Programme Management and Operational Capacity and the fact that UNHCR had initiated a major overhaul of its personnel management system. But there was a clear need to look further into the management of resources. The Danish delegation would like the establishment of the Inspection and Evaluation Unit and the strengthening of the policy planning capacity to lead to an even stronger focus on the efficient management of resources.

72. On the financing of UNHCR operations, which was a problem for donors to deal with, the Danish delegation was glad that the Subcommittee on Administrative and Financial Matters was going to look into the broader question of how to finance operations and try to determine inter alia whether the distinction between general and special programmes was still meaningful. What was important was to secure a more stable and predictable funding base for UNHCR programmes. As Denmark was one of the seven donors which financed 70% of the general programmes, it would moreover urge that a major overhaul of the funding system should be undertaken, with a view to fairer burden-sharing among donors and securing a considerable expansion of the donor base.

73. Turning to the second major challenge facing UNHCR, that of protection, he observed that the Note on International Protection submitted to the Executive Committee was devoted to a thorough examination of the legal instruments available to meet the needs of international protection. That timely examination had identified gaps in the existing instruments, in particular with regard to the protection of persons fleeing armed conflict. Denmark would welcome a discussion of such gaps, for without the necessary tools neither UNHCR or the asylum countries would be able to meet the challenge of protection. However, it was important to note that one major gap in the current international protection regime stemmed from the fact that the 1951 Convention and the 1967 Protocol were not yet truly universal instruments. Some countries had still not acceded to them, while others continued to apply geographical limitations. Therefore, a call to all States for universal accession to the Convention and the Protocol must be the point of departure for any discussion of the need for new instruments or guidelines.

74. Furthermore, the international response to the mass flow of refugees from the former Yugoslavia seemed to indicate that concerted international action coordinated by UNHCR was an efficient way of dealing with the protection aspects of major displacements of population. The increasing use of temporary protection programmes made it more necessary than every before to establish a continuous dialogue between countries and UNHCR, a dialogue which Denmark - which was providing temporary protection to some 20,000 people from the former Yugoslavia - had already undertaken.

75. He wished to announce in conclusion that, subject to parliamentary approval, the Danish Government intended shortly to make several new contributions. Those contributions, amounting to approximately 56 million

Danish kroner, or about $US 9 million, would bring the total Danish contribution for 1994 to almost 210 million Danish kroner, or about $US 33 million.

76. Mr. ALI SHAH (Pakistan) said that his delegation wished to inform the Executive Committee that the repatriation operation undertaken by UNHCR in collaboration with the Government of Pakistan and the other United Nations agencies concerned had enabled more than half of the Afghan refugees in Pakistan to return home. However, Pakistan still had more than 1.6 million Afghan refugees on its territory (1.4 million according to UNHCR figures), and the events in Afghanistan since 1993, and particularly since January 1994, had badly upset the repatriation process. It had slowed down considerably, and Pakistan was also having to cope with a fresh influx of refugees. More than 160,000 had arrived since May 1992. That was in addition to the Afghan displaced persons, some 120,000 of whom were languishing in refugee camps near Jalalabad.

77. The presence in Pakistan of millions of Afghan refugees accompanied by large numbers of livestock had caused enormous ecological damage over the past 14 years. In that connection the Pakistan delegation requested UNHCR to urge donors to provide generous assistance for the rehabilitation of the damaged areas.

78. Despite the repatriation efforts made by UNHCR with the support of the Government of Pakistan, 1.4 million Afghan refugees were still forced to live in camps in Pakistan where their survival depended on UNHCR and WFP. It seemed that those two agencies were planning to phase out their care, maintenance and feeding programmes for the Afghan refugees in Pakistan by September 1995. Such a move would certainly place severe pressure on Pakistan's economy and add to the hardships of the Afghan refugees. There also seemed to be a plan to encourage the settlement of Afghan refugees in Pakistan. Such an idea was unacceptable for various social, economic and political reasons both to the Governments of Pakistan and Afghanistan and to the Afghan refugees themselves.

79. The repatriation and social reintegration of the refugees in Afghanistan depended on the creation of peaceful conditions in that country. UNHCR could play a role in that connection by encouraging donors to undertake the repair and rehabilitation work envisaged in the UNDP action plan for Afghanistan.

80. Mr. CHERROT (Uganda) said that the situation of refugees and displaced persons in the world seemed to have taken a turn for the worse since the last meeting of the Executive Committee. The problem, which had its roots in poverty, poor leadership, greed and other situations giving rise to conflict, demanded a willingness to change on the part of the countries of origin and a commitment on the part of the international community.

81. The recent Addis Ababa symposium on refugees held under the auspices of OAU and UNHCR was a clear testimony of the will of the international community. However, Africa must recognize that the problem of its refugees was primarily an African problem. Uganda itself was being overwhelmed by an influx of refugees, particularly from southern Sudan. While reserving his right to comment later on the statement made earlier in the meeting by the delegation of Sudan, he said that the total number of Somali refugees registered in Uganda was close to 250,000, that the number of Somali asylum- seekers was estimated at 3,000, and that more than 10,000 refugees had arrived from Rwanda, not to mention the Rwandese who were entering Uganda via Zaire. Those circumstances created a

state of insecurity which provided even less justification for the attitude of certain neighbouring States which continued to regard the humanitarian asylum granted by Uganda to their nationals as a hostile act.

82. Uganda's infrastructure had been virtually destroyed by several decades of war and it had had to cope with the return of more than 500,000 Ugandans since the establishment of the new Government of national reconciliation. Although some progress was beginning to be made with the repatriation of the exiles, the Government had been overwhelmed by the arrival of hundreds of thousands of Sudanese refugees. If Uganda was to continue to play its role as an asylum country, humanitarian aid must be linked to development aid. In that connection the Ugandan delegation requested UNHCR to help the Ministry responsible for refugee affairs to carry out a socio-economic survey to determine the impact of the refugees on the Ugandan population. The conclusions of such a survey would then form the basis for the assistance requests made to donors.

83. The environment had also been damaged by refugees seeking fuel and building materials, and an integrated programme must be devised which combined reforestation with other relevant aspects of agriculture and water-resource management. It would therefore be useful for UNHCR environment experts to review their recommendations in the light of the latest technological advances in agriculture and water-resource management.

84. Voluntary repatriation was of course the most desirable solution to the refugee problem but it was also the most difficult to implement. In order to facilitate the voluntary return of Rwandese refugees to their country, UNHCR and the donors should help the new Government of Rwanda to work out a sustainable resettlement programme which accommodated the differing interests of the people of Rwanda.

85. Since the beginning of the exodus of Rwandese refugees to the United Republic of Tanzania and Zaire, the refugee camps in Uganda had suffered constant shortages of food which had often sparked off riots. The Ugandan Government reaffirmed its commitment to the refugee cause but it could no longer tolerate criminal acts committed against its nationals in the camps.

86. It had set aside for the resettlement of refugees land with a holding capacity of 75,000 persons, including 8,000 hectares allocated to Sudanese refugees. The UNHCR office in Kampala had been urged to take swift action to enable the refugees located close to the border to be resettled on that land.

87. In conclusion the Ugandan delegation wished to thank all the United Nations and voluntary agencies which had helped it to cope with the refugee burden. It expressed its gratitude to the donor community for its continued moral and material support and to UNHCR for adopting an assistance policy covering both refugees and internally displaced persons.

88. Mr. AKTAN (Turkey) said that his delegation regretted that the effects of armed conflicts and media pressures forced the international community to take humanitarian action rather than to examine the root causes of the tragedies which produced refugees and displaced persons. In such circumstances, prevention remained an essential element of the UNHCR programme. However, it was difficult to forecast when a crisis might degenerate into a conflict and to sound the alarm in time. And there were some crisis-prone countries which knew

how to live with their problems. International intervention of a preventive nature in such cases might well accelerate the process rather than eliminate the possibility of a conflict.

89. Violence had always been part of history. What was new was the attempt to control violence by nurturing human rights and democracy in situations of conflict marked by anarchy or famine. Democracy and human rights required not only a socio-economic infrastructure but also a political order, a prior condition of which was respect for State sovereignty, a concept sometimes regarded as obsolete.

90. However, it was not history alone which condemned the crises in various countries of the world. It seemed that a sudden dislocation in international affairs had caused virtually simultaneous upheavals in a very large number of countries. Ethnic, religious or cultural disputes were not the causes of such dislocation; they were its effects, and it was not certain that a preventive approach would be effective. Such an approach concealed a humanitarian trap which was much more serious than it seemed at first sight. It concealed the terrible fact that a political order which had collapsed was being restored by violence and that the rule of law which was supposed to restrain coercion by the State would be instituted only at a later stage. In the interim, acts of violence of every kind were part and parcel of the process.

91. Another characteristic of the humanitarian trap was the obsessive tendency of the international community to promote ethnic, religious and cultural rights as a means of stifling potential conflicts without any regard for the traditional balances in the countries concerned and thus to contribute to the problems which it would later have to solve. Such a situation was to be found, for example, in developing countries where a disintegrated political left seemed to identify its own pitiful fate with the fate of ethnic groups which appeared repressed, marginalized or despised. The NGOs, most of which were acting out their existential problems in a dislocated manner, could only exacerbate the problems of others, which were fundamentally different from their own.

92. The purely humanitarian approach could not compensate for the collapse of the North-South dialogue or take the place of the political will and action which conflict situations demanded. That was why a new order which had certainly degenerated into empty rhetoric remained the only comprehensive response to the ills of the post-cold-war era.

93. In her Note on International Protection the High Commissioner, aware of the gaps in the international legal regime governing refugees, had put forward the notion of "temporary protection". That revolutionary concept was the product of a pragmatic approach. When applied in practice, temporary protection should be used on a case by case basis and for a clearly limited period. After that period, the protection of the persons concerned must be taken over by the whole international community. Temporary protection should preferably lead to early voluntary return to the country of origin, where the necessary preparations for that eventuality would have to have been made. Any other option might invite refoulement and thus the definitive refusal of that pragmatic solution. Such a flexible approach should be regarded as an expedient and not codified in any way.

94. Mr. EL-KARIB (Sudan), noting that the representative of Uganda had indicated his intention to comment later on the Sudanese statement, said that he wished to clear up any misunderstanding caused by the Arabic interpretation by repeating in English what his delegation had stated at the previous meeting. In its description of the situation of Sudanese refugees in neighbouring countries the Sudanese delegation had said that most of the 350,000 people concerned did not receive sufficient aid. That argument had in fact been repeated by the representative of Uganda in his appeal to the international community, in particular UNHCR. Sudan had also said that some of those refugees had been targeted by rebel movements which were trying to force them to take up arms against the Sudanese Government. In saying that, the Sudanese delegation had not intended to attack any other Government. Indeed, it had noted with gratitude that, despite the problems which it meant for them, those brother countries had been kind enough to agree to accept the refugees.

95. Mr. CHEBROT (Uganda) said that there was a difference between what the representative of Sudan had just said and the interpretation into English of the earlier Sudanese statement. He therefore requested the Secretariat to be kind enough to provide him with an English version of the exact wording of the Arabic text, of which he had a copy.

96. The Chairman said that the Secretariat would help to elucidate the matter on the basis of the original text.

The meeting rose at 1.05 p.m.

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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-fifth session

SUMMARY RECORD OF THE 492nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 October 1994, at 3 p.m.

Chairman: Mr. LARSEN (Denmark)

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General debate (continued)

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GE.94-04016 (E)

The meeting was called to order at 3.20 p.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. MOSAASE (Lesotho) said that the events in Rwanda, Bosnia, Afghanistan, Somalia, Angola and Haiti were a warning to everyone of the unfortunate situations which faced many parts of the world because of violations of human rights. His Government fully supported the efforts being made by the world community, the United Nations system and, in particular, UNHCR. While the world was experiencing welcome recognition and support of democratic rule and good governance, it would be naive to underestimate the enemies of peace and violators of human rights. His Government deplored the senseless killings and human suffering in Rwanda and welcomed UNHCR's special emergency programmes in support of refugees from that country.

2. Lesotho also welcomed the successful and peaceful transition to democratic rule in South Africa. UNHCR's repatriation programme and assistance to South African returnees had played a major role in the dismantling of apartheid, but it was only a beginning in the difficult task of bringing about the economic development which would form the basis of a sustained democratic culture.

3. Lesotho had also noted with appreciation that more than 1 million returnees had been successfully settled in Mozambique, although the commendable efforts of UNHCR staff and of the Governments of Mozambique and host countries had sometimes been frustrated by refugees who, after settlement, returned to the host countries and had to be repatriated once more. It was hoped that the return of refugees to Mozambique would lead to successful and peaceful elections in that country.

4. He noted that there was increasing solidarity in the southern Africa region and that, had it not been for overwhelming support, spearheaded by the Presidents of South Africa, Botswana and Zimbabwe, for the restoration of the elected Government of Lesotho when it had been unconstitutionally overthrown, an explosive situation similar to that in Rwanda might well have occurred.

5. Lesotho welcomed the measures taken by UNHCR to consolidate its refugee activities in the southern Africa region by the establishment of a regional office in Johannesburg. His Government fully understood that the budgetary constraints facing UNHCR had necessitated scaling down its activity and presence in Lesotho, but it remained hopeful that, when the need arose, the assistance of UNHCR, through its new regional office, would be both rapid and adequate, as it had been in the past.

6. Ms. SCHIMMING-CHASE (Namibia) said that a review of UNHCR operations in the field in the past 12 months indicated that the problems of refugees and internally displaced persons were becoming greater and more complex, necessitating more rapid and more systematic responses. Her delegation welcomed the statement of the High Commissioner with regard to the need for refugees and asylum-seekers to be protected wherever they might be. The need for political solutions was a prerequisite for repatriation and it was in that area that the efforts of the international community needed to be increased, to include not only resettlement and reintegration, but also rehabilitation. Once that had been done, the inclusion of internally displaced persons would

of necessity form part of the solution. The need for economic and social changes to accompany the entire development process was an absolute prerequisite.

7. During the forty-fourth session of the Executive Committee, there had been discussion of the possibilities for peace in Angola and the consequent return of refugees, but, sadly, a state of war had continued. It was incumbent on the Executive Committee to reassess Angola's circumstances with a view to offering the necessary assistance; a solution was a prerequisite for peace in the subregion because the problems of one country could seriously affect the development of another. There was a daily influx of Angolan refugees into Namibia, albeit in small numbers, but more serious were the daily incursions and attacks on innocent people, which often resulted in death and had necessitated an unbudgeted and unplanned presence of police and security forces in the north of Namibia.

8. She was pleased to announce that, on 14 July 1994, Namibia had ratified the relevant international instruments concerning refugees with only one reservation in respect of article 26 of the 1951 Convention, which had been necessary because of Namibia's own constraints owing to teething problems as a newly independent nation. The Ministry responsible for refugees in Namibia was taking steps to secure cabinet approval for the employment of refugees possessing specific skills.

9. The opening of the UNHCR regional office in Johannesburg was of particular significance in view of the new political and sociological conditions and the developmental contributions envisaged as a result of the demise of the old order. In conjunction with the UNHCR branch office and other local non-governmental organizations, the Government of Namibia had established a refugee camp at Osire with kindergarten facilities and adult classes as well as self-help projects.

10. As a young nation, Namibia appealed to the international community for assistance in meeting all the needs of future asylum-seekers and would-be refugees.

11. Mr. de RIEDMATTEN (Switzerland), noting that he fully shared the concerns expressed by the High Commissioner in her opening statement about the new challenges with which UNHCR was confronted, said that the crisis in Rwanda, especially since July 1994, had clearly shown that UNHCR had arrived at a critical threshold in its capacity for intervention. Nevertheless, it had clearly evaluated the situation and alerted the international community without delay.

12. As the High Commissioner had said, what had been the exception unfortunately tended to become the rule and so there was a certain logic in the fact that, while facing enormous challenges which were growing at a time when its resources were limited, UNHCR was appealing to States to share some of its operational tasks. A convincing demonstration of that principle was the establishment of "service packages".

13. The Rwanda crisis had also demonstrated that UNHCR's activities must of necessity become an integral part of the search for a global solution whose objectives were political stability and respect for human rights. While the

objective was clear-cut, it was far from being achieved. The Rwanda crisis had demonstrated the usefulness of "emergency response teams", but it had also shown that UNHCR's efforts had to be supplemented by external operational contributions. External support was still vital. That was why the Swiss authorities would, in the coming year, be making available to UNHCR a team of specialists from the Corps Suisse d'Aide en Cas de Catastrophe. He was also pleased to confirm that his Government had decided to make a contribution of SwF 4 million to the UNHCR emergency programme for refugees from Burundi and Rwanda.

14. Switzerland favoured the idea of strengthening and widening the role of the Inter-Agency Standing Committee in order to respond as effectively as possible to complex emergencies. At the outset, consideration had to be given to the way in which continuity could be established between the actions of the various United Nations, governmental and non-governmental agencies and Switzerland acknowledged the special and often irreplaceable role of NGOs as partners in and supplementary contributors to UNHCR programmes. It was pleased to note that the partnership between UNHCR and NGOs had been put on a formal basis for the first time in the PARinAC concept set out in the Oslo Declaration.

15. Because of the increase in the number and frequency of humanitarian tasks, systematic evaluation in the strategic planning of UNHCR operations was extremely important. It not only increased transparency, but, by drawing on the lessons of the past, it enhanced capacity to respond to new crises. Switzerland fully supported UNHCR's initiative in establishing the post of Director of Inspection and Evaluation Services and found the proposal for the expansion of UNHCR strategic planning capacity very interesting.

16. In her excellent Note on International Protection (A/AC.96/830), the High Commissioner had outlined new approaches and strategies to fill gaps in the protection of persons fleeing their country because of armed conflict or serious internal disturbances. Each crisis and each context was different and a pragmatic approach based on consultation and agreement among the countries concerned was a useful way of finding appropriate solutions. Switzerland was ready to join other States to discuss guiding principles which, while not being legally binding, would reflect general practice. Such discussions might be useful for countries planning to update their own national legislation and Switzerland was in fact adding to its asylum act by including in it the concept of temporary protection. With regard to the question of displaced persons within a territory, Switzerland supported the UNHCR approach and associated itself fully with the conclusions drawn up by the Sub-Committee of the Whole on International Protection. It was necessary to achieve a better distribution of tasks and better coordination of activities on behalf of displaced persons.

17. Lastly, he paid tribute to the courage and self-sacrifice of those who came to the aid of refugees, often at the risk of their own lives. UNHCR was operating more and more often in situations of open conflict and had to deal directly with the question of the safety of its own staff. The personal commitment of the High Commissioner and all her colleagues, whether at headquarters or in the field, was a source of admiration and encouragement to all.

18. Mr. LOTODO (Observer for Kenya) said that his country was particularly concerned about the situation in Rwanda, Burundi, the former Yugoslavia and, to some extent, Liberia, and hoped that a lasting solution would soon be found to alleviate human suffering in those countries. The situation in Rwanda had defied human description and had no comparison in terms of the human misery and suffering it had generated; the people of Rwanda were suffering the multiple tragedies of disease, civil war and economic and social collapse, which had resulted in the deaths of hundreds of thousands of Rwandese and the flight of more than 1 million people into neighbouring countries. That flight had placed a strain on the meagre human, physical and financial resources of those countries, chief among them Zaire and the United Republic of Tanzania; the international community had done much to assist them in coping with the problem and he appealed for that assistance to continue.

19. Kenya had gained much experience in recent years in handling large numbers of refugees and could share that experience with others. There were at present some 280,000 refugees in Kenya, 80 per cent of them of Somali origin and 80 per cent officially registered and staying in established camps. The impact of their presence was felt especially in the economic, social, environmental and security areas. Kenya would continue to provide safe haven for them until their countries of origin were safe enough for them to return and it would continue to fulfil its obligations under the 1951 Convention and the 1967 Protocol, as well as the OAU Convention. It nevertheless considered that voluntary repatriation should be encouraged and supported when countries of origin had gained some form of stability.

20. He expressed his Government's gratitude for the assistance given to its police department by the UNHCR branch office in Nairobi, which had met his request, made at the forty-fourth session of the Executive Committee, by providing vehicles to help the police maintain security in the refugee camps in the North-Eastern Province. UNHCR had also promised to help train Kenyan police deployed in areas where refugees were located. In the past year, four refugee camps in Kenya had been closed and most of the refugees had returned to their countries. However, the presence of refugee camps in the Coast Province of Kenya had had a considerable impact on the country's tourist industry and he requested UNHCR to intensify its efforts to repatriate the refugees to Somalia and relocate others who could not return for reasons of security to the camps in the North-Eastern Province. His Government was ready to cooperate and give every assistance in that endeavour. Tourism was a major, and very sensitive, sector of the Kenyan economy and his Government craved the understanding of the international community in its desire to see refugees repatriated or relocated away from the coastal area.

21. As he had reported at the forty-fourth session, refugees had continued to compete with the local population for limited hospital space and, in some cases, that had led to resentment on the part of local communities. In that connection, he thanked UNHCR for its assistance in supplying hospital needs, which had somewhat eased existing shortages.

22. He drew the Executive Committee's attention to his Government's decision that refugee camps in the Coast Province had to be closed and the refugees moved to camps in northern Kenya, while those ready to return to their

countries were repatriated. His Government hoped that the international community and UNHCR would show understanding of its decision, which was due to a number of causes.

23. First, the ever-increasing number of incidents of insecurity in and around the refugee camps, most of which were attributable to refugee aggression towards the local people and intrusion into their property, had triggered cases of physical confrontation. Second, the spillover of refugees into Mombasa and Malindi and their sometimes violent behaviour had affected tourism, his country's main economic activity. Furthermore, it was now established that most of the illegal weapons in Kenya had been brought into the country by refugees. Local criminals had taken advantage of the refugees' presence to create insecurity. His delegation urged UNHCR to continue to work to create an enabling environment in Somalia so that the refugees might return to their homes feeling secure. It also appealed for more cross-border operation funding which would help the refugees from Kisimayu to be repatriated urgently.

24. Overcrowding in some camps in Mombasa had led to an unhygienic situation which had caused a cholera epidemic to break out in May-June 1994. It was essential to decongest the coastal refugee camps in order to avoid epidemics such as those which had occurred in Goma in Zaire. Despite the sterling efforts made by Kenyan medical staff, about 50 of the 153 persons identified as having cholera had died (local people and refugees).

25. UNHCR, together with the Joint Voluntary Agency (JVA), had also been very active in processing resettlement cases. A good number of refugees had been able to resettle in a third country, thus reducing the burden on Kenya. In that connection, he thanked the Governments of the United States, Canada, Australia, the Scandinavian countries and all others which had accepted some of the asylum-seekers concerned. He also thanked all agencies operating refugee programmes in Kenya, such as Care International, Médecins sans Frontières (MSF), the International Rescue Committee (IRC), the Lutheran World Federation (LWF), the Kenya Red Cross Society and the African Medical Research Foundation (AMREF), for their great assistance. Many friendly countries had also assisted by donating food, equipment and medicine which the agencies had used in delivering services to refugee camps in different areas.

26. Mention had to be made of a most serious issue which, if not immediately attended to, would increase environmental degradation in the areas occupied by refugee camps. Water and wind erosion was already creating serious signs of desertification in camps such as Kakuma and Marafa and the large camp at Dadaab. More than 25,000 hectares of land in the Dadaab area had been completely degraded, the wood fuel demand being more than 48,000 tonnes a year as against a sustainable amount of 16,000 tonnes a year. Trees were being cut down in an uncontrolled manner.

27. As UNHCR was aware, water use in some areas exceeded natural replenishment capacity. He hoped that the UNHCR environmental consultancy would produce a practical recommendation with a view to containing the desertification of an already fragile environment.

28. Kenya had sent delegations to other countries with a view to making its problems known and sharing its ideas on and experience in the management of

refugee programmes. In appealing once again for further assistance, especially to speed up repatriation and resettlement, he expressed his delegation's thanks to UNHCR, WFP, UNICEF, UNDP and all United Nations bodies, as well as to the Working Group on Solutions and Protection and its Rapporteur.

29. His delegation had noted with concern the comments made by the representative of Sudan alleging mistreatment of Sudanese refugees in neighbouring countries. His country fervently wished to see the normalization of the situation in Sudan and the return home of Sudanese refugees now in Kenya. It assured the Executive Committee that all refugees in Kenya received the same treatment. He was not aware of any mistreatment of refugees, Sudanese or other, in his country and would be grateful if the Sudanese delegation would let him have any factual information to the contrary that it might possess.

30. Ms. BAUTISTA (Philippines) noted that UNHCR had vigorously and effectively met the major challenges facing it in the past year and expressed her Government's strong support for the initiatives taken by the High Commissioner in the achievement of UNHCR's protection function and in upholding the institution of asylum. Her Government's appreciation also extended to the UNHCR personnel working in extremely difficult circumstances. In that connection, she welcomed the High Commissioner's proposal for the creation of an inspection and evaluation service.

31. Her delegation shared the concern expressed by previous speakers about the problem of internally displaced persons and considered that, pending the preparation and adoption of a new international legal instrument to cover new refugee situations, there was a need for the establishment of new protection mechanisms on the basis of strong inter-agency coordination and with the full support and cooperation of the State concerned. Her delegation particularly welcomed the enhancement of the relationship between UNHCR and its NGO partners. Close cooperation with local NGOs in capacity-building was desirable, as the shared expertise would assist them in continuing refugee protection functions once the foreign-based NGOs and, perhaps, UNHCR itself had moved on to more pressing tasks.

32. Her delegation attached particular importance to the need to incorporate concern for refugee women and children in all UNHCR programmes. It was particularly distressed by continuing reports of sexual violence against refugee women, a humiliation that made women victims twice over. It hoped that the suggestion to enhance the role of the Senior Coordinator for Refugee Women would be given serious consideration and it would follow closely the implementation of the revised Guidelines on Protection and Care of Refugee Children recently issued by the High Commissioner.

33. Turning to the Asian region, she said that her delegation welcomed the continued progress in the implementation of the Comprehensive Plan of Action (CPA) for Indo-Chinese Refugees and the agreement reached at the Fifth Steering Committee Meeting held early in 1994 that CPA should be concluded by the target date of the end of 1995. It was to be hoped that, in addition to the many innovative and successful mechanisms developed under CPA, modalities would be worked out for dealing with still outstanding problems, in particular that of screened-out refugees which was especially troublesome to first-asylum

countries like her own. The solution of local integration was not a feasible one for the Philippines, whose authorities had recently taken steps to ensure that persons wanting to stay in the country as non-refugees were given proper support to assist them in their return to Viet Nam under conditions of safety and dignity. The mechanisms needed to make that possible could be discussed at a formal Steering Committee meeting which might be held early in 1995 so as to allow enough time for their implementation, thus ensuring the successful conclusion of CPA by the end of 1995. As with other UNHCR activities, resources were needed to bring CPA to a close. Her delegation hoped that the international community would continue to lend its support to that important humanitarian programme and in that connection thanked the Japanese Government for its recent pledge of US$ 20 million for CPA.

34. Mr. KAMANDA WA KAMANDA (Zaire) expressed his Government's appreciation for the competence and efficiency with which the High Commissioner was carrying out her task, and especially for the promptness of her response to the tragedy in Rwanda, and paid special tribute to UNHCR personnel, who were often obliged to work under very difficult conditions. While he welcomed the remarkable display of international solidarity in support of the Rwandese refugees in Goma, he could not help noting that, contrary to the human rights philosophy, some selectivity was being applied in the delivery of international humanitarian assistance.

35. For many years, Zaire had been one of the African countries with the largest number of refugees in its territory. The refugees came from Angola, Burundi, Uganda, Sudan and other countries, as well as Rwanda, the first wave of refugees from the latter country dating back to 1960. Nothing in his country's experience could, however, be compared with the unprecedented emergency created by the current internal conflict in Rwanda.

36. On 14 and 15 July 1994, the town of Goma, which had been designed for about 200,000 inhabitants, had received close on 2.5 million Rwandese refugees at a rate of roughly 10,000 persons per minute. The arrangements for dealing with an influx of refugees, kept ready ever since the announcement of the death of the Rwandese President on 6 April, had proved totally inadequate to cope with the tide of persons in distress which had swept into the town and the surrounding countryside.

37. Today, the towns of Goma and Bukavu were practically asphyxiated, Lake Kivu polluted, the air unbreatheable, the city parks looted, the houses systematically stripped of wood by refugees in search of firewood. There was an acute shortage of food and water for domestic consumption; economic activity and daily life in general had virtually come to a standstill and, most serious of all, there had been an outbreak of cholera which had ravaged not only the refugee, but also the Zairian population - the proportion of deaths being 1 Zairian for every 10 Rwandese - and had been accompanied by cases of dysentery, meningitis and typhoid fever.

38. Yet the world still remained silent on the subject of the rights of the Zairian victims of a war in which they had taken no part. No one spoke of assistance to countries of asylum and, in particular, to Zaire, ignoring the fact that its contribution, if it could be quantified, would undoubtedly make Zaire a donor country. At the height of the crisis, when Goma and Bukavu had been suffering acute shortages of food, water and medicines, many of the

non-governmental organizations and humanitarian agencies operating in those towns had not seemed to care that the Zairian population was also suffering and dying as a result of those shortages.

39. The disaster had struck his country just when it had begun to emerge from a serious and prolonged political and institutional crisis. Weakened as it was, Zaire had nevertheless kept its borders open in a spirit of solidarity with the Rwandese people and out of respect for African humanist values, in conformity with the purposes and principles of the United Nations. More than to any other value, however, his country was attached to the preservation of peace.

40. In the name of peace, every State should be fully responsible to its people, assume its own national contradictions and refrain from blaming others for its inability to deal with those contradictions. Otherwise, the international community, at both the regional and world levels, would have to help the country to develop its capacity to resolve its problems without creating traumas for other countries.

41. In her opening statement, the High Commissioner had pointed out that the objective of the armed elements of the former Rwandese army and militia, which had endangered the lives of refugees and humanitarian staff and disrupted the delivery of relief and essential services, seemed to be to control the refugee population, to block its voluntary return to Rwanda and build resistance against the Government in Kigali.

42. While that seemed to be the objective for some, for others, it was to prevent the refugees from returning to Rwanda and ensure their settlement in Zaire by exploiting the principle of voluntary return and by failing to create the conditions for such a return in Rwanda. Although some refugees had returned to their homes, others continued to flee. It was therefore necessary to seek a global approach that involved the neighbouring States of Rwanda and Burundi, the Organization of African Unity, the United Nations and UNHCR in order to find durable solutions based on respect for the concept of the continuum of humanitarian assistance, rehabilitation, reconstruction and national development in the region of the Great Lakes countries.

43. In any event, the return of the Rwandese refugees to their country was the ideal solution and Zaire, Rwanda and UNHCR should conclude an agreement which provided clear-cut and adequate guarantees to allow the refugees to return home, machinery to verify the guarantees and a specific repatriation timetable.

44. In Goma and Bukavu, schoolchildren had not returned to school because schools and other public buildings were still occupied by refugees. Ordinary farming activities - with a view to preventing famine and crop shortfalls - continued to be impossible. If the favoured treatment given to refugees by selective humanitarian assistance, which ignored the local population, was also considered, the tolerance threshold would soon be exceeded, not to mention the frustration connected with the destruction of the environment in an important tourist region.

45. His Government was prepared to promote the repatriation of the Rwandese refugees by neutralizing the activities of all those in its territory who

were in violation of his country's legislation and hospitality, trying to place obstacles in the way of the refugees' voluntary return to their country. Zaire would provide UNHCR with the necessary assistance for the refugees' voluntary return. It called on UNHCR and the international community to provide adequate logistical support for that purpose.

46. The territory of Zaire would never be used by Rwandese or anyone else to destabilize Rwanda. His Government prohibited Rwandese politicians and military personnel in Zaire from engaging in certain activities or making political statements on Zairian soil and would continue to keep them at some distance from Rwanda's neighbouring towns. Rwandese soldiers in Zaire would be disarmed and confined to barracks. Zaire did not allow Rwandese refugees to become hostages to any political force in violation of its legislation. In return, his Government had no intention of suffering from policies decided in a sovereign manner in Rwanda or elsewhere concerning Rwandese citizens.

47. The hospitality which Zaire had extended to Rwandese citizens had created a humanitarian disaster in North and South Kivu. His Government called on UNHCR to help to mobilize the solidarity of the international community on Zaire's behalf so that it could take part in the rehabilitation of economic and social infrastructures with a view to helping the affected Zairian population to have a normal life once again.

48. He thanked all States, politicians, United Nations agencies concerned with humanitarian programmes, the High Commissioner, ICRC, Médecins sans frontières, and national and international non-governmental organizations which had helped the Rwandan refugees in Zaire.

49. In accordance with the joint communique which had been issued at the end of the work of the Zaire-Rwandese Ministerial Meeting in Goma in August 1994, the two parties had agreed to join their efforts with a view to promoting the voluntary return of Rwandese refugees to their country with the assistance of UNHCR, had called on UNHCR to provide the necessary logistical support for the repatriation of the Rwandese refugees and had accepted the principle of concluding a tripartite agreement designed to facilitate the repatriation of the refugees. They had also called on UNHCR to submit a draft agreement containing the necessary Rwandese guarantees to ensure the refugees' return to their country. Under the agreement accepted by UNHCR, Zaire would also facilitate the voluntary return of refugees and UNHCR would undertake to provide the necessary resources.

50. To facilitate the refugees' return, Zaire had drawn the Secretary-General's attention to the important question of moving military personnel away from the camps. It had identified the various sites to which soldiers and former political leaders should be transferred. At the present time, a joint mission of 10 Government experts, 4 UNAMIR representatives, 1 UNDP representative and 1 UNHCR representative were at work in Zaire with a view to identifying the categories and groups that should be removed from North and South Kivu, evaluating the cost of transportation and housing and repatriating refugees who wished to return to Rwanda. The mission would also inspect the camps reserved for Rwandese military personnel.

51. The situation in Burundi was also a matter of serious concern. All those who had some influence in Burundi should help the persons involved as soon as

possible with a view to seeking comprehensive and durable political solutions that would not be regarded by any particular group as shameful capitulation. Any new outbreak of violence in Burundi could only aggravate the situation and endanger the precarious peace in the Great Lakes region.

52. On the basis of respect for fundamental humanitarian principles, impartiality and neutrality, Zaire considered that it could expect the international community's support for its national reconstruction efforts, substantial assistance for the local populations affected by the influx of refugees and compensation for the sacrifices it had made with the limited means available to it.

53. When it was known that there were countries which refused to open their borders, support from UNHCR and the international community for countries which agreed, despite their economic and social problems, to shoulder the refugee burden was the least that could be provided, out of respect for fundamental humanitarian principles, impartiality and neutrality.

54. Mrs. CARRIZOSA (Colombia) said that her delegation fully agreed with the High Commissioner about the importance of safeguarding UNHCR's mandate and its humanitarian nature. As had been pointed out, the principles of impartiality and neutrality guaranteed the credibility of humanitarian action. Those characteristics paved the way for the organization in extremely difficult circumstances and made it possible to create an appropriate environment for advancing peace processes.

55. It was also important to safeguard the right of asylum against the efforts being made to threaten that institution. Xenophobia, unemployment and recession should not be insurmountable obstacles to the protection of that right. It was precisely because refugees constituted a category of persons who could not rely on the support of the Government that their condition was nearly always an emergency and that such protection had to be offered outside the framework of political and economic processes. Guarantees of the right of asylum derived not only from legal commitments, but also from the international community's sense of solidarity and generosity.

56. With regard to the question of internally displaced persons, it was clear that the population displacements and the resulting consequences were the responsibility of the Governments concerned and that responsibility could not be replaced by humanitarian assistance. The fact that a displaced person did not cross a border did not change the fact that he was without protection. It was that situation which made him a candidate for humanitarian assistance which, for one reason or another, could not be provided by his own Government.

57. Efforts to find practical and legal ways of assisting such persons were a legitimate objective for an organization such as UNHCR. Her delegation also considered that the preventive action which UNHCR could take with regard to the problems of displaced persons included the possibility of offering its know-how and experience in handling that type of problem to the countries concerned. The fact that displaced persons were ignored was not always the result of a lack of will on the part of their Governments. In many cases, the main problem was the lack of a clear understanding of the causes, scope and nature of the problem. Helping to shed light on the various aspects would be

a fundamental step towards dealing with the root causes of the problem. In that respect, the importance of UNHCR's action could not be underestimated.

58. Her delegation joined all those which welcomed the successful work of CIREFCA in Central America. As had been pointed out, it was essential to promote a regional approach to refugee problems.

59. Her Government had benefited from the interest shown in internally displaced persons by non-governmental organizations and international agencies. The Inter-American Institute of Human Rights in Costa Rica had published a report on a technical assistance mission on internal displacement in Colombia, which would help to find ways of protecting the persons concerned and preventing displacement. The visit by Mr. Deng, the representative of the Secretary-General, in June had promoted the coordination of the efforts being made by her Government and all the other organizations concerned. Her Government hoped to be able to implement the recommendations and suggestions which Mr. Deng had made in order to adopt a broader approach to the problem of displacement.

60. Mr. MAJDI (Morocco) said that 1994 had been marked by one of the most terrible tragedies since the Second World War, namely, the genocide that had taken place in Rwanda within the space of a few weeks. As in the case of Bosnia and Somalia, events in Rwanda showed that there were limits to humanitarian action. Nevertheless, a positive event had taken place in Africa with the peaceful transition in South Africa to a promising democratic Government. The peace process in the Middle East was also developing in a positive manner and must be recognized and encouraged.

61. Further progress had been made under the auspices of UNHCR in Asia, for example, with the conclusion of the Comprehensive Plan of Action for Indo-Chinese Refugees and the preparations for voluntary repatriation to Myanmar. Account must also be taken of the peace process in Mozambique, the organization in Georgia of the return of displaced persons to Abkhazia and the reintegration of refugees and displaced persons in Tajikistan. Improved prospects for the repatriation of refugees to Guatemala were also encouraging.

62. Voluntary repatriation was still the most desirable solution to the refugee problem. It should be encouraged by creating the necessary conditions so that the persons concerned could freely express their will and by guaranteeing their return in dignity and safety.

63. With regard to the Overview of UNHCR activities (A/AC.96/824), his delegation agreed that the task of managing the problems of a constantly increasing number of refugees and which amounted at the present time to 20 million persons was enormous. It required an extra effort of solidarity on the part of the international community and increased financial and human resources to be made available to the High Commissioner.

64. Recent events had shown there was a need to strengthen UNHCR's means of action with a view to improving its capacity to intervene rapidly together with other United Nations agencies and non-governmental organizations. In that connection, his delegation welcomed the PARinAC process, which had led to the Oslo Conference, and the adoption of the Plan of Action containing proposals for strengthening cooperation between UNHCR and NGOs. The Plan of

Action could be the basis for a joint UNHCR/NGO humanitarian programme aimed at dealing with the vast problem of refugees throughout the world.

65. He stressed the importance of international action and was aware of the scope of the challenges and new tasks facing UNHCR. His delegation also shared UNHCR's concern about the limits of existing instruments in view of large-scale refugee inflows, which were caused not only by political upheaval or massive and systematic violations of human rights, but also by natural disasters and uncertain economic and social situations. That new category of refugees created a set of different problems, but called for the same commitment and duty of solidarity. That situation required reflection on the part of the international community in order to fill the gaps in international protection.

66. Women and children accounted for 80 per cent of the refugees in the world and were the most vulnerable sectors of the population. UNHCR, which had adopted a new approach to their protection in the past few years, should be ensured of the support of all members of the Executive Committee so that it could continue along those lines. In that connection, he welcomed the recommendations adopted by the Executive Committee and the guiding principles proposed.

67. His delegation also welcomed the commitment made with regard to internally displaced persons.

68. The refugee situation in Africa continued to be a matter of concern, since that continent had the highest number of refugees and displaced persons. The host countries' precarious situation did not enable them to absorb the flow of refugees and greater mobilization by the international community was therefore necessary. Similar efforts should be made with regard to the Bosnian population, a victim of "ethnic cleansing", which had been universally condemned.

69. Although his country was not one of the major donors, it had on several occasions demonstrated its solidarity with refugees and the countries concerned through bilateral aid and assistance and through humanitarian agencies, including UNHCR.

70. With regard to the question of Western Sahara, he drew attention to the statement by the Prime Minister and Minister for Foreign Affairs of the Kingdom of Morocco in the General Assembly that the United Nations settlement plan had entered its final phase and that Morocco fully cooperated with the Secretary-General, as indicated in his reports.

71. Mr. MEGHLAOUI (Algeria) said that the causes of the refugee situation varied from country to country and could give rise to such catastrophic situations that there could be doubts as to the limits to humanitarian action.

72. In order to be effective, prevention had to be implemented within an appropriate and concerted framework involving the States and organizations concerned. Where the framework was national, the authorities of the country concerned should be the focus of the undertaking and any action should be taken with their agreement. Where the framework was regional, primary use should be made of existing machinery at that level. In that connection, he

noted that there was a refugee office in the secretariat of the Organization of African Unity which was assisted by a group of ambassadors posted in Addis Ababa.

73. Africa was currently celebrating the twenty-fifth anniversary of the 1969 Convention, which had been implemented for over 20 years. It was an instrument which provided proof of the generosity of Africans, a generosity which Africa greatly required in order to deal with the sufferings of millions of refugees and displaced persons. The tragedy in Rwanda had complicated that situation. Africa needed sustained and coherent action in order to prevent it from becoming marginalized. Efforts must be made to give it development prospects, a task which went beyond UNHCR's mandate and came under the responsibility of the international community and, in particular, its most developed segment.

74. As a result of the rapid increase in the number of refugees and displaced persons throughout the world, borders were being opened less easily. Instruments governing refugees had reached their limit. In his delegation's view, States, particularly those which bore the heaviest burden, should be reassured by focusing programmes in favour of refugees more on their return to their countries of origin. It was clear that repatriation should be voluntary and take place in conditions of dignity and safety.

75. With regard to legal instruments, priority should be given in the first stage to the regional level and action should be adapted to existing conditions. In view of the predictable reticence of States, it would be unwise to place any hopes in the conclusion of a new convention that better reflected the current situation. However, it was perhaps time to consider the possibility of compiling all the relevant texts adopted at the international, regional, national levels and by international bodies. Such a document could be used as a reference by States and governmental and non-governmental organizations.

76. The return of refugees to their countries of origin was the ideal solution. It should take place in dignity and safety, but that presupposed the elimination of the cause or causes which had forced the refugees to choose the difficult road of exile.

77. His Government would continue to grant protection and assistance to Western Saharan refugees and displaced persons from Mali.

78. As far as the Western Saharans were concerned, it was clear that the end of their exile depended on the holding of an impartial referendum on self-determination in accordance with the plan accepted by the two parties, the Kingdom of Morocco and the Frente POLISARIO, and endorsed by the United Nations. The legitimate national aspirations of the people of Western Sahara could not be stifled. To avoid prolonging the sufferings of the people of Western Sahara and to ensure peace and stability in the region, a just and lasting solution must be found as quickly as possible. His country would continue to work tenaciously towards that goal.

79. With regard to displaced persons from Mali, Algeria, which was working with that friendly neighbouring country and in cooperation with UNHCR and IFAD, was in the process of preparing their repatriation and socio-economic

reintegration. It was in that spirit that the four partners - Algeria, Mali, UNHCR and IFAD - had signed an agreement in August 1994 to pave the way for voluntary repatriation. That operation was an example of cooperation between two neighbouring countries and international agencies. It deserved to be supported by the necessary means for its success, for it was a contribution to peace.

80. The problems caused by refugees and displaced persons concerned all countries. The tragedies in Rwanda and Bosnia and Herzegovina, for example, had created shock waves that were not being felt only in neighbouring countries. No precautions could be taken to keep a refugee problem within foreseeable limits. The time had come for the entire problem of refugees and displaced persons to be considered at the global level with a view to finding new solutions capable of preventing or shortening the sufferings of millions of human beings.

81. Mr. MWANSA (Zambia) said that he fully supported the views and ideals Mrs. Ogata had expressed in her statement to the forty-fifth session of the Executive Committee.

82. Since 1993, the number of refugees in Zambia had fallen from 141,000 to approximately 131,000 as refugees from South Africa, Malawi and Mozambique had begun returning to their countries of origin now that the situation had improved. The repatriation of Mozambican refugees, in particular, had proceeded well and according to plan.

83. However, Zambia continued to act as a host country to refugees fleeing the war in Angola, the crisis in Rwanda and the unrest and instability in Zaire and Burundi and still required the international community's support in its efforts to deal with the continuing inflows of refugees.

84. The European Community had given 1.2 million ECU to help Zambia meet refugee needs in the north-western part of the country. The welfare of the refugee population at Meheba settlement in Solwezi district had improved considerably thanks to such timely assistance. However, refugees living outside formal settlements along Zambia's common borders with Angola and Zaire were also desperately in need of help.

85. Growing flows of refugees were weighing heavily on global resources. Governments in Africa should therefore continue to do their best to reverse those flows. A stabilized Africa would be able to concentrate on economic reconstruction and modernization.

86. Zambia operated an "open door" refugee policy and would continue to admit all genuine refugees into the country in accordance with United Nations and OAU instruments and its own domestic legislation.

87. On 2 September 1994, the last group of Zambian refugees who had been living in Zaire since 1965 had returned voluntarily to Zambia. Zambia was extremely grateful to the authorities of Zaire for granting Zambian nationals asylum for such a long time and for their assistance during the period of repatriation.

88. Mr. MICHALKO (Observer for Slovakia) said that migration was of particular relevance to Slovakia because of its geographical location. The 1990 Law on Refugees of the former Czechoslovakia had been amended to reflect the new realities of an independent State and to bring Slovakia's legislation into line with the 1951 Convention and the 1967 Protocol. The UNHCR Liaison Office which had been set up in Bratislava under an agreement between the Government of Slovakia and UNHCR concerning the legal status, immunity and privileges of UNHCR and its staff in Slovakia had been instrumental in the amendment process.

89. Refugees in Slovakia were mainly persons who had fled the accident at the Chernobyl nuclear power station and the crisis in the former Yugoslavia. The Migration Office of the Ministry of the Interior provided accommodation and social and health care for refugees, who were housed in three humanitarian centres and with host families throughout the country.

90. The Government of Slovakia had allocated US$ 3 million to the Migration Office in 1994, but that amount was not enough to cover expenditures related to refugee needs and the migration administration.

91. Under the UNHCR programme for Slovakia, financial support had been provided to facilitate medical care, psychological counselling and educational programmes and to provide up-to-date information on the refugees' countries of origin. The CEERICS registration system supplied by UNHCR would be invaluable in providing access to relevant information.

92. In 1993, 280 people of Slovak origin had moved from areas affected by the Chernobyl disaster to the territory of Slovakia, with a further 123 arriving in 1994. Slovakia's economic situation would determine whether any others would be accepted.

93. Illegal migration, particularly from eastern Europe, was a serious problem for Slovakia. Slovakia supported cooperation at the European level and increased dialogue between Governments, international organizations and non-governmental organizations with a view to the establishment of a common international legislative framework on refugees.

94. Mr. ZAHRAN (Observer for Egypt) said that the unprecedented scale of refugee problems throughout the world, particularly the alarming developments in Africa and the former Yugoslavia, called for concerted international efforts not only to solve the root causes of the problems, but also to protect refugees. However, the gravity of refugee problems should not obscure the positive achievements made in South Africa and Mozambique. In 1993, there had been 7,200,000 refugees and displaced persons in Africa requiring UNHCR assistance. The crisis in Rwanda had led to the deaths of approximately half a million people, with millions more forced to flee as refugees or internally displaced persons.

95. UNHCR observers should be sent to Rwanda to ensure that those guilty of genocide and atrocities were brought to justice and to assist in national reconstruction and the establishment of conditions under which Rwandese refugees could return to their country of origin and thus relieve the burden on neighbouring countries. Egypt had sent doctors to Rwanda and placed medicines at the disposal of humanitarian agencies.

96. UNHCR's budget would have to accommodate new expenditure in the African region. For example, $368 million were needed in 1994, some 32 per cent of the budget. The situation in the former Yugoslavia was no less deserving of increased budget allocations. There were an estimated 4.1 million refugees and displaced persons requiring assistance and large sectors of the population were forced to live under siege. Despite ethnic cleansing and unimaginable difficulties, UNHCR and non-governmental organization were doing their best to ease the situation of refugees. It was to be hoped that the agreement between the Bosnian Government and the Bosnian Serbs on the authorization of convoys and the exchange of prisoners would hold and that Sarajevo airport could be reopened, thus facilitating the flow of humanitarian assistance. There was, however, a lack of resources available to help improve the situation, particularly in Bosnia and Herzegovina, and UNHCR's efforts were thus being impeded.

97. The Note on International Protection (A/AC.96/830) contained valuable conclusions and reflected the common view that UNHCR's mandate should not be amended, but made more flexible to give UNHCR increased scope for assisting refugees who were not covered by the 1951 Convention and the 1967 Protocol.

98. Egypt fully supported the efforts being made by the International Committee of the Red Cross and national Red Cross and Red Crescent societies to provide protection for refugees and displaced persons in times of conflict. It also welcomed the increased cooperation between ICRC and UNHCR.

99. Mr. CHAKRAVARTI (Observer for India) said that India had great admiration for the impartial, neutral and apolitical mandate of the Office of the United Nations High Commissioner for Refugees.

100. The Note on International Protection (A/AC.96/830) analysed new phenomena in the area of refugee protection and dealt with categories of persons who were outside the scope of the 1951 Convention and other international legal instruments, but who nevertheless needed protection. The root causes of population flows could be traced back to desperate poverty, hunger and economic destruction. Although the restoration of peace and a civil society in refugees' countries of origin was a necessary element, it was not in itself enough. Development issues also needed to be dealt with at the multilateral level if the problems were fully to be solved.

101. As stated in paragraph 38 of the Note on International Protection, the protection of refugees was dependent on the policy and goodwill of particular Governments. It therefore advocated the creation of guidelines. His delegation's view was that standards set should be realistic and take account of UNHCR's capacities. The Note also referred to the need to separate refugees from persons who did not qualify for or deserve international protection. The distinction was of importance and should be maintained.

102. Discussions on the question of internally displaced persons should bear in mind that those persons were within the administrative and territorial jurisdiction of their own States. The consent of the State concerned was therefore a prerequisite before action could be taken to help them. Every effort should be made to ensure that UNHCR remained within its mandate when dealing with such situations.

103. UNHCR was realistic enough to be able to give an impartial assessment of where voluntary repatriation to countries of origin had succeeded. Significant achievements had indeed been made in the past 12 months. Voluntary repatriation should be monitored and actively encouraged. Local resettlement could not, however, be sustained in what were clearly overpopulated and underdeveloped areas.

104. Despite limited resources, India had a tradition of extending hospitality to refugees. Repatriation had taken place on a voluntary basis through bilateral arrangements. Tens of thousands of refugees from Sri Lanka and the Chittagong Hill Tracts in Bangladesh had been living in India, but agreements had been reached with those Governments on their voluntary repatriation.

105. Mr. PRATOMO (Observer for Indonesia) said that his Government hoped that specific developments with regard to the situation of camps in first-asylum countries would be taken into consideration in the formulation of country programmes and during the consideration of administrative and financial matters for 1995.

106. Refugee status determination procedures had been completed in Indonesia, the Philippines, Malaysia, Thailand and would be finished in Hong Kong by the end of 1994. An estimated 52,000 non-refugees would therefore have to return to their countries of origin by the end of 1995, while some 2,615 Vietnamese who had arrived before the cut-off date were awaiting resettlement.

107. In view of the need to complete work under the Comprehensive Plan of Action in South-East Asia (CPA) by the end of 1995, particular attention should be paid to the situation of approximately 52,000 Vietnamese boat people who were still living in first-asylum camps, including in Indonesia. The forty-fifth session of the Executive Committee should try to find ways and means to overcome obstacles to a plan of action relating to resettlement and repatriation. The resettlement programme for 1994-1995 should include the destinations and time schedule for resettlements in third countries so that first-asylum countries could make the necessary technical arrangements as soon as possible. It seemed that the only solution for non-refugees would be repatriation to their countries of origin. It was to be hoped that CPA could be completed with no asylum-seekers remaining in first-asylum countries, thereby preventing any residual problems. In cooperation with donor countries and international communities, UNHCR should provide assistance until the completion of the resettlement and repatriation programmes in the region.

The meeting rose at 6.05 p.m.